

2005

Pleasant Grove City v. Victor R. Orvis : Addendum to Brief of Appellant

Utah Court of Appeals

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Peggy A. Tomsic; Kristopher S. Kaufman; Tomsic & Peck; Attorneys for Appellant.

Bret B. Hicken; Pleasant Grove City Attorney's Office; Attorney for Appellee.

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IN THE UTAH COURT OF APPEALS
STATE OF UTAH

PLEASANT GROVE CITY,)	
)	
)	
Plaintiff/Appellee,)	Case No. 20050343-CA
)	
vs.)	
)	
VICTOR R. ORVIS,)	
)	
Defendant/Appellant.)	
)	

Case No. 20050343-CA

Defendant/Appellant.

ADDENDUM TO BRIEF OF APPELLANT

APPEAL FROM THE FOURTH DISTRICT COURT, CASE NO. 021100657
THE HONORABLE HOWARD H. MAETANI PRESIDING

**Peggy A. Tomsic (3879)
Kristopher S. Kaufman (10117)
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FILED
UTAH APPELLATE COURTS
NOV 10 2005

IN THE UTAH COURT OF APPEALS
STATE OF UTAH

PLEASANT GROVE CITY,)	
)	
)	
Plaintiff/Appellee,	)	Case No. 20050343-CA
)	
vs.)	
)	
VICTOR R. ORVIS,)	
)	
)	
Defendant/Appellant.)	
)	

Case No. 20050343-CA

VICTOR R. ORVIS,

ADDENDUM TO BRIEF OF APPELLANT

APPEAL FROM THE FOURTH DISTRICT COURT, CASE NO. 021100657
THE HONORABLE HOWARD H. MAETANI PRESIDING

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ADDENDUM TO BRIEF OF APPELLANT

Tab	Record	Description
1.	388-395	Findings of Fact, Conclusions of Law, and Order Denying Defendant's Motion to Dismiss and Motion to Suppress dated 2/15/05
2.	434-435	Minutes, Change of Plea, Sentence, Judgment and Commitment dated 4/20/05
3.	005	Criminal Citation dated 10/21/01
4.	20-21	Criminal Information dated 1/31/02
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11.	281-290	List of 300
12.	292-309	Summary Ledger Sheet of the City's Business License Records
13.	311-314	Affidavit of Mr. Orvis dated 9/28/04
14.	448, Ex. 1	Letter to City from Mr. Orvis dated 1/2/02
15.	448, Ex. 2	Letter from City to Mr. Orvis dated 1/4/02
16.	448, Ex. 4	Form letter to business owners from the City dated 7/19/01

- | | | |
|-----|------------|---|
| 17. | 448, Ex. 6 | Business License Application for Design Fabricators Inc dated 8/23/01 |
| 18. | 448, Ex. 7 | Memo to Mr. Limb from Mrs. Emery dated 9/26/01 |
| 19. | 448, Ex. 8 | Memo to City Prosecutor from Mr. Limb dated 10/4/01 |
| 20. | 500 | Excerpts of hearing transcripts dated 2/7/03 through 5/25/04 |
| 21. | 501 | Excerpts of hearing transcripts dated 8/13/04 through 3/23/05 |

Tab 1

2005 FEB 23 P 2: 16
✓

Stephen H. Schreiner (#7302)
Provo City Attorney's Office
359 W. Center Street
PO Box 1849
Provo, Utah 84603
Telephone: 852-6140

**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH, AMERICAN FORK DEPARTMENT**

PLEASANT GROVE CITY, Plaintiff, vs. VICTOR R. ORVIS Defendant.	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER DENYING DEFENDANT'S MOTION TO DISMISS AND MOTION TO SUPPRESS Case Nos. 021100657 & 021100658 Judge: Howard H. Maetani
--	--

The above-entitled matter has come before the court on Defendant's Motion to Dismiss and Defendant's Motion to Suppress. Stephen H. Schreiner represents the plaintiff and Michael J. Petro represents the defendant. Counsel for plaintiff and the defendant have presented their arguments to the Court.

The Court, having heard the testimony of witnesses, having heard and considered the arguments of counsel, and being fully advised in the premises, now makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. In approximately 1997, Victor Orvis, the defendant, began operating a metal

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fabrication business called Design Fabrications, Inc., in Pleasant Grove City.

2. On July 19, 2001, a letter was sent by the Pleasant Grove Business Licensing Department to 300 residents who either had a business registered with the State or who had paid sales tax to the State of Utah, but did not have a Pleasant Grove business license. Mr. Orvis was included in this mailing. Eighty-five residents who were sent the letter, including Mr. Orvis, did not comply with the instructions contained in the letter regarding obtaining a Pleasant Grove business license. A second notification was sent by Pleasant Grove Community Development. After the second notification, with the exception of Mr. Orvis and one other person, all the other persons and businesses came into compliance with the Pleasant Grove business license codes.

3. Despite operating a business in Pleasant Grove for approximately four years, Mr. Orvis did not apply for a city business license of any kind until August 23, 2001. On that date, Mr. Orvis submitted a business license application in which he requested a “minor” home occupation permit for his business.

4. Mr. Orvis’ minor home occupation permit application described his metal fabricating business as a “home office.”

5. At the time he filed his August 2001 minor home occupation application, Mr. Orvis knew that he was not operating a minor home occupation business, but rather a major home occupation business.

6. Mr. Orvis continued to operate as a major home occupation business even after he applied for the minor home occupation permit.

7. On a date prior to September 24, 2001, Lt. Jim Taufer of the Pleasant Grove Police Department received a memo from his Captain requesting that he accompany Pleasant Grove

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Zoning Administrator Ray Limb on a visit to Victor Orvis' residence in regards to his business license application.

8. On September 24, 2001, Lt. Taufer believed he was going to meet with Ray Limb so the two of them could go together to talk with Victor Orvis about his business and licensing situation. Lt. Taufer proceeded to the Orvis residence in hopes of meeting Mr. Limb there.

9. When Lt. Taufer arrived at the residence, he pulled into the driveway and parked. At that time he observed a wooden shed building behind the house with its door open. Ray Limb's vehicle was in the driveway and from the position of the vehicle it appeared that Mr. Limb might be in the wooden shed. Therefore, Lt. Taufer exited his vehicle and walked towards the shed.

10. As Lt. Taufer was standing on the driveway, he could observe through a completely open door what appeared to be a metal-working shop with several large machines in it. Lt. Taufer made this observation from an open field, the defendant's driveway that was not gated, but rather open to the public and accessible from a public road.

11. Before Lt. Taufer reached the shed, a young man appearing to be 25-28 years old came out of the shed dressed in work clothes.

12. Lt. Taufer asked the young man if he had seen Ray Limb, and the young man replied that he did not know who Lt. Taufer was talking about. However, he said that Mr. Limb might be in the house with his father, Victor Orvis. The young man led Lt. Taufer around the outside of the house to the front door where he let Lt. Taufer in to find Ray Limb talking with Mr. Orvis.

13. The young man and Lt. Taufer talked on the way to the house. The young man indicated that he worked for Mr. Orvis in the shed. When Lt. Taufer asked what kind of work went on in the shed, he replied that they use to do a lot of big work but now it was mostly smaller

custom fabricating jobs.

14. After Lt. Taufer entered the Orvis house, Mr. Orvis refused to allow an inspection of his business premises. At that time, Mr. Limb and Lt. Taufer left the premises.

15. At no time during the relevant incident did Lt. Taufer enter the shed behind the Orvis home or otherwise search Mr. Orvis' home or business premises.

16. On November 21, 2001, after determining that Mr. Orvis was operating a major home occupation at his residence, Lt. Taufer issued citations to Mr. Orvis. Mr. Orvis was charged with three counts of violating Pleasant Grove City Ordinance § 5.04.030 in that Mr. Orvis did engage in a business, trade, profession, or calling within the corporate limits of the City without first obtaining a business license.

CONCLUSIONS OF LAW

I. MOTION TO DISMISS

Defendant, Victor Orvis, has sought to have the criminal claims against him dismissed on the ground that he was the victim of a selective prosecution in violation of the Fifth and Fourteenth Amendments. The defendant has failed to establish the prima facie elements for this defense.

When a defendant raises a selective prosecution claim, he is asking a court to exercise judicial power over a "special province" of the government's executive branch, namely the prosecution of suspected criminals. *See Heckler v. Chaney*, 470 U.S. 821, 832 (1985). As a result, "[t]he presumption of regularity supports" prosecutorial decisions and, "in the absence of clear evidence to the contrary, courts presume that [prosecutors] have properly discharged their official duties." *United States v. Chemical Foundation, Inc.*, 272 U.S. 1, 14-15 (1926). "In the

ordinary case, so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion.” *United States v. Armstrong*, 517 U.S. 456, 464 (1996) (internal quotations omitted).

The Constitution does place certain constraints on a prosecutor’s exercise of discretion. One of these constraints, imposed by the equal protection component of the Fifth Amendment, is that the decision whether to prosecute may not be based on “an unjustifiable standard such as race, religion, or other arbitrary classification,” *Oyler v. Boles*, 368 U.S. 448, 456 (1962). However, “[i]n order to dispel the presumption that a prosecutor has not violated equal protection, a criminal defendant must present *clear evidence to the contrary*.” *Armstrong*, 517 U.S. at 465. This is because there are strong reasons why courts should restrain from second-guessing prosecutorial decisions. *Id.* As the Supreme Court explained:

Such factors as the strength of the case, the prosecution’s general deterrence value, the Government’s enforcement priorities, and the case’s relationship to the Government’s overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake. [citation omitted]. It also stems from a concern not to unnecessarily impair the performance of a core executive constitutional function. Examining the basis of a prosecution delays the criminal proceeding, threatens to chill law enforcement by subjecting the prosecutor’s motives and decision making to outside inquiry, and may undermine prosecutorial effectiveness by revealing the Government’s enforcement policy. *Id.* at 465.

Based on the foregoing considerations, federal courts have held that a defendant asserting selective prosecution bears the “heavy burden” of establishing a *prima facie* case before they are even entitled to receive an evidentiary hearing. *See, e.g., United States v. Bustamante*, 805 F.2d

00391

201, 202 (6th Cir. 1986). Mere conjecture does not meet the rigorous standard. *See United States v. Furman*, 31 F.3d 1034, 1037 (10th Cir. 1994) (district court did not its discretion in dismissing claim of selective prosecution based on “conclusory allegations.”). The *prima facie* facts a defendant must establish in order to assert a selective prosecution defense have been outlined as follows:

In order to prevail on a claim of selective prosecution, a defendant must show that “he has been singled out for prosecution while others similarly situated generally have not been proceeded against for the type of conduct forming the basis of the charge against him.” [citation omitted] In addition, the defendant must prove that the government’s selection of him for prosecution “was invidious or in bad faith and was based on impermissible considerations such as ... the desire to prevent the exercise of constitutional rights.” [citation omitted] *Furman*, 31 F.3d at 1037.

Having heard the arguments the court finds that defendant has failed to meet the standard required to assert a selective prosecution defense.

II. MOTION TO SUPPRESS

Defendant, Victor Orvis, has sought to have some of the criminal evidence against him suppressed on the grounds of Fourth Amendment violations, specifically the open field doctrine. The doctrine applies where observations of a searched area can be made “from” an open field. *See, e.g., State v. Harris*, 671 P.2d 175 (Utah 1983) “[A] government official does not engage in a search within the meaning of the Fourth Amendment if he observes incriminating evidence *from* a place where he has a right to be.” *U.S. v. Hatfield*, 333 F.3d 1189, 1194 (10th Cir. 2003) (“[W]hen the police come onto private property to conduct an investigation . . . and restrict their movement to places visitors would be expected to go (e.g., walkways, driveways, porches),

00330

observations made *from* such vantage points are not covered by the Fourth Amendment.”

According to the Utah Supreme Court, a police officer’s observations are made from an “open field” when they are made from “a place where he has a right to be.” *Harris*, 671 P.2d at 179. “[T]hat right extends to driveways approaching the entry of a home, front doors, and other open areas accessible to the public at large.” *Id.* Furthermore, an officer’s ability to make observations is not limited to the part of a driveway that is immediately in front of the house or which leads directly from the front door. Rather, the test is whether the officer’s vantage point is “accessible to the public at large.” For example, in *Harris*, the Tenth Circuit stated that an officer could observe the contents of a suspect’s backyard without a warrant because the officer had remained on the suspect’s parking pad when doing so. *See* 333 F.3d at 1194.

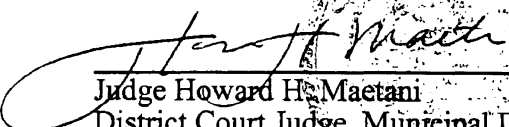
In the present case, Lt. Taufer observed the inside of the shed while standing in the defendant’s driveway which was accessible to the public at large.

ORDER


Based on the foregoing findings of facts and conclusions of law, the Defendant’s Motion to Dismiss and Defendant’s Motion to Suppress are hereby denied.

DATED this 15 day of February 2005.

BY THE COURT:



Judge Howard H. Maetani
District Court Judge, Municipal Division



00389

Approved as to form:

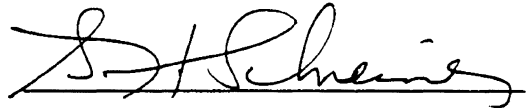
Michael J. Petro
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I ^{hand-delivered} ~~mailed~~ a correct copy of the foregoing Findings of Fact,

Conclusions of Law, and Order Denying Defendant's Motion to Dismiss and Motion to Suppress

Evidence, this 20th day of January 2005, to Michael J. Petro, Young, Kester & Petro, 75 South 300 West, Provo, Utah 84601.



00388

Tab 2

FILED IN
4TH DISTRICT COURT
CLERK'S DEPT

2005 APR 20 P 1:51

4TH DISTRICT CT AMERICAN FORK COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH
UTAH COUNTY

PLEASANT GROVE CITY,	:	MINUTES
Plaintiff,	:	CHANGE OF PLEA
	:	SENTENCE, JUDGMENT, COMMITMENT
	:	
vs.	:	Case No: 021100657 MO
	:	
VICTOR R ORVIS,	:	Judge: HOWARD H. MAETANI
Defendant.	:	Date: March 23, 2005

PRESENT

Clerk: carmenl

Prosecutor: STEPHEN H SCHREINER

Defendant

Defendant's Attorney(s): JOHN A PENROD

DEFENDANT INFORMATION

Date of birth: February 12, 1944

Audio

Tape Number: 0507 Tape Count: 11.24.45

CHARGES

1. OPERATE BUSINESS WITHOUT A LICENSE - Class B Misdemeanor
- Disposition: 03/23/2005 Guilty
2. OPERATE BUSINESS WITHOUT A LICENSE - Class B Misdemeanor
- Disposition: 03/23/2005 Guilty
3. OPERATE BUSINESS WITHOUT A LICENSE - Class B Misdemeanor
- Disposition: 03/23/2005 Guilty
4. OPERATE BUSINESS WITHOUT A LICENSE - Class B Misdemeanor
- Disposition: 03/23/2005 Guilty
5. OPERATE BUSINESS WITHOUT A LICENSE - Class B Misdemeanor
- Disposition: 03/23/2005 Guilty

00435

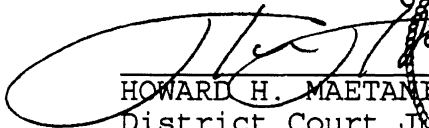
Case No: 021100657
Date: Mar 23, 2005

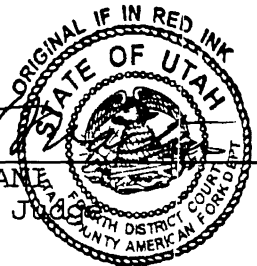
HEARING

TAPE: 0507 COUNT: 11.24.45

This is the time set for 3/23/05 hearing. Court finds defendant Guilty on all 5 counts. Fine of \$925.00 (fine has been paid to PG court). Defendant has 30 days to appeal decision.

Dated this 20 day of April, 2005.


HOWARD H. MAETANE
District Court Judge



00434

Tab 3

2007-11-22

PLEASANT GROVE CITY COURT DOCKET
IN THE CITY OF
COUNTY OF UTAH, STATE OF UTAH
BEFORE W. BRENT BULLOCK JUDGE

PLEASANT GROVE CITY
PLAINTIFF

① - 100.00 - 85.00 = 185.00
② 100 + 85 = 185.00
③ 100 + 85 = 185.00
④ 100 + 85 = 185.00

STATE OF UTAH
COUNTY OF UTAH
OF PLEASANT GROVE
THE DEFENDANT IS HEREBY
GIVEN NOTICE TO APPEAR IN:
JUVENILE COURT
021 SOUTH STATE STREET, PROVO, UTAH
AS DIRECTED HEREIN)

COURT OF

LOCATED AT

COURT OF PLEASANT GROVE CITY
0 SOUTH 100 EAST, PLEASANT GROVE, UTAH
00 A.M. - 5:00 P.M. MON. THRU FRI.

MUST APPEAR NOT LESS THAN FIVE DAYS
NOR MORE THAN FOURTEEN DAYS AFTER
ISSUANCE OF THIS CITATION

FOR COURT USE ONLY

OF CONVICTION/FORFEITURE 8-13-02

SUSPENDED

SUSPENDED

CHARGE

PLEA/FINDING
Guilty
No Contest
Not Guilty
Forfeited Bail

SEVERITY
☒ Minimum
☐ Intermediate
☐ Maximum

PLEASANT GROVE CITY UNIFORM CITATION OR INFORMATION AND NOTICE TO APPEAR		CASE NO. 323714 CITATION NO. H5858931	
Name (Last)	(First)	(Middle)	
ORDIE	VICTOR	R.	
Address (City)	(State)	(Zip)	Phone
490 W. CENTER	UT	84062	
Place of Birth	DOB	Social Security Number	Ht. Wt. Hair Eyes Race
	2/12/44	529581306954	5'4" 140 320 GRN W
Driver License No.	State	Vehicle License No.	State Expires
160076818	UT		
Picture ID	Vehicle Color	Vehicle Year	Vehicle Make Type Model
<input type="checkbox"/> Yes <input type="checkbox"/> No			
THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING:			Code # Misd. Cit. Tra.
No BUSINESS LICENSE			101319 504.020
Leapt. June 1 Jan. of 2000			
Inv. # 038813, 038808, 02100, 038805, 038806			
Location	RADAR	Direction	
490 W. CENTER	SPEED	N S E W	
Date	Military Time	Speeding	MPH Over
Nov. 24, 2001	1035		
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AS DIRECTED HEREIN:			
SIGNATURE X Victor R. [Signature]			
I CERTIFY THAT COPY OF THIS CITATION OR INFORMATION WAS DULY SERVED UPON THE DEFENDANT ACCORDING TO LAW ON THE ABOVE DATE AND I KNOW OR BELIEVE AND SO ALLEGE THAT THE ABOVE NAMED DEFENDANT DID COMMIT THE OFFENSE HEREIN SET FORTH CONTRARY TO LAW. I FURTHER CERTIFY THAT THE COURT TO WHICH THE DEFENDANT HAS BEEN DIRECTED TO APPEAR IS THE PROPER COURT PURSUANT TO SECTION 77-7-19			
OFFICER	ID #		
COMPLAINANT	ID #		
DATE			
COURT COPY	Date Sent to BCI-DLD	Docket No.	RIGHT INDEX
	8-27-02	7272110	

6/11/01-2002

00005

Tab 4

**IN THE PLEASANT GROVE JUSTICE COURT
UTAH COUNTY, STATE OF UTAH**

PLEASANT GROVE CITY,

Plaintiff.

Vs.

**Victor Orvis
490 W. Center
Pleasant Grove, UT 84062**

DOB: 2/12/44

Defendant

Stephen H. Schreiner

INFORMATION

Case Nos: Y21-2114, Y21-2115, Y21-2116

Judge Brent Bullock

The undersigned, ~~Christina M. Petersen~~, under oath states on information and belief that the defendant committed the crime(s) of:

COUNT I

OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE, a Class "B"

Misdemeanor, in Pleasant Grove City, Utah County, on November 10, 1999, in violation of Section 5.04.030 of the Pleasant Grove Municipal Code, in that the defendant did engage in a business, trade, profession or calling within the corporate limits of the City without first obtaining a business license.

COUNT II

OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE, a Class "B"

Misdemeanor, in Pleasant Grove City, Utah County, on March 20, 2001, in violation of Section 5.04.030 of the Pleasant Grove Municipal Code, in that the defendant did engage in a business, trade, profession or calling within the corporate limits of the City without first obtaining a business license.

COUNT III

OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE, a Class "B"

Misdemeanor, in Pleasant Grove City, Utah County, on January 15, 2000, in violation of Section 5.04.030 of the Pleasant Grove Municipal Code, in that the defendant did engage in a business, trade, profession or calling within the corporate limits of the City without first obtaining a business license.

COUNT IV

OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE, a Class "B"

Misdemeanor, in Pleasant Grove City, Utah County, on June 19, 2000, in violation of Section 5.04.030 of the Pleasant Grove Municipal Code, in that the defendant did engage in a business, trade, profession or calling within the corporate limits of the City without first obtaining a business license.

COUNT V

OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE, a Class "B"

Misdemeanor, in Pleasant Grove City, Utah County, on June 30, 2000, in violation of Section 5.04.030 of the Pleasant Grove Municipal Code, in that the defendant did engage in a business, trade, profession or calling within the corporate limits of the City without first obtaining a business license.

COUNT VI

OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE, a Class "B"

Misdemeanor, in Pleasant Grove City, Utah County, on September 1, 2000, in violation of Section 5.04.030 of the Pleasant Grove Municipal Code, in that the defendant did engage in a business, trade, profession or calling within the corporate limits of the City without first obtaining a business license.

This information is based on evidence obtained from the following witnesses: Officer Taufer.

Date: January 31, 2002


~~XXXXXXXXXXXX~~ for
Pleasant Grove City Attorney

Tab 5

Exhibit F

IN THE JUSTICE COURT IN AND FOR PLEASANT GROVE CITY
COUNTY OF UTAH, STATE OF UTAH

70 South 100 East
Pleasant Grove Ut. 84062

Pleasant Grove City,	)	DANKLIEF TRANSCRIPTION 1
Plaintiff,)	
)	
Vs	)	Case No. 323714 and /or Y21-2114,
	)	Y21-2115, Y21-2116
Victor Orvis,)	
490 West Center St.)	
Pleasant Grove, UT 84062	)	Judge W. Brent Bullock
Defendant.)	

Date: 1-30-2002

O: Hey, I wanted to talk to you some more about this problem business licenses and Planning Commissions.

D: Okay

O: If you've got the time. I've grown to accept the fact you sure don't want me on that Planning Commission. You and I talked about that here a few weeks ago. What can you do to help me out with this Business License thing we talked about?

D: Well, now you got me. I offered to do that, Vic, and you didn't want to do it.

O: No, what I said I didn't want to be bullied, but I... told you I'd work with you and help you. And I meant that then and I still mean it. Cause I think we work better if we try and fix some of these things instead of beating our head against them.

D: Well, that's true. And that's the only effort I was trying to make, to do that with you, Vic, an...

O: I think I can do that on the Planning Commission as well as off.

D: The idea was that they wanted you off the Planning Commission and that's the direction that we went, and...and...so...that's, you know, that's what I was tryin' to work out with you. And you felt like I was tryin' to bully ya...so

O: Well, I felt like I was being...

D: I really wasn't, Vic, it was a situation where I... I could resolved it and that... I don't know that I can do that now and do it the way I wanted to before. Before I would have said, Okay now, Vic's willing to, a, accept the Council's decision that he's not going to be on the Planning Commission in which case for the business license deal, you know, and so now that's gone because we...they wanted to go on and do it and so we put you off and so now you've had your court appearance officially and so I just don't know where I'm at with it now.

O: That's not true. I would've, I...I...never told Ray Limb he couldn't come in my house and check out my office. Never. Ask Ray. As far as letting the police department do a search and seizure on my property, yes, I told the police department that they need to get a warrant. Particularly if they want to go into areas that I'm not asking for.

D: Well...

O: And I think I'm well within my constitutional rights on that. Matter of fact I think there's a great, great question after I've done an enormous amount of research on whether or not you can have the police doing home-business license inspections. Because you're starting to mix and match constitutional powers with business license powers and those don't do very well in the U. S. Supreme court. There was actually some case law in that.

D: Not as long as he was a sworn-in person.

O: As a matter of fact, he wasn't at the time it happened. Apparently Lieutenant Toffar wasn't a sworn officer. And he didn't even have a warrant and he didn't tell anyone he was here.

D: Well...

O: He broke more rules than...

D: What did he need...I don't understand what he needed a warrant to inspect your premises. He was down there because he knew Ray was down there.

O: Ray didn't ask him to go down there. Not according to Ray, anyway.

D: Well, I, you know, that's neither here nor there.

O: Well, that's pretty important. Regardless, with all that behind us, what we've got here is a year where I've been forced out of business for a year. I can't...well almost a year, just a couple of weeks shy a year. And...and that was unfair. But I'm still willing...I told you from day one, of the six people sitting in that city council, you're my choice for mayor. I told you that and I've never wavered from it. I don't want to create a bunch of political and legal problems for you. But you guys are leaving me with dang little choice.

D: I don't see how I've got any legal problems at all, Vic.

O: Okay.

D: Personally, I haven't done anything to you to cause you to say that.

O: Well, well, I'm afraid I have to differ on that but I don't really want to get into that with you. Now...I...I...personally don't have any desire to hurt Pleasant Grove or to hurt Jim Danklef, now if it was Ed Sanderson, it would be a whole different deal.

D: I don't either, but you know, I jus...I just don't...If you're talking about me offering you a deal, I have that...I have that right. You wouldn't take the deal, Vic. Ash told me no because he says then that makes it look like I'm...uh, uh...

O: Being bullied.

D: ...being bullied.

O: Right.

D: So you wouldn't take the deal.

O: But the deal was simple. It wasn't...was...whether you understood it or not, I understood it to mean, if I'll get off the Planning Commission, you'll take care of the tickets and give me my business license and I'll go on my way.

D: You're exactly right.

O: Well, actually, I don't believe you can make that kind of deal. I think that there is a law against it.

D: No there's not, I checked. I can do that. I can forgive anybody ?????

O: Absolutely. If you're... take it and split it into two parts. I believe you're right. You can try to do what is just and fair.

D: Right.

O: You know, I...I...agree with that. But you can't make it based on whether I will get off or stay on the Planning Commission.

D: Okay, now let me explain...

O: That's where the problem lies. But I don't even want to go there. But you're I...I'm being forced to go there. I have to protect myself and my family just like you would if this happened to you.

D: I...I...went that direction because at that time, you had these charges against you. If you would have gone ahead been inspected, got your business license, got off the Planning Commission, Your problems would have been over.

O: No.

D: Why wouldn't they?

O: Okay, first thing, they didn't come inspect my quote, unquote, business until a month or two after I'd applied. Now look at it yourself. When Bob went in there and said, "Bob,"...Joe Emry said, "Bob, you need a business license." He applied for it right there, paid his thing, and within a matter of days he got an appointment with the Planning Commission, and it was all resolved. There were no police officers, there were no warrants, there were no stalls. With me it was a couple months of stalls.

D: I...I know my wife went and paid her money the first of the year to get her business license, you know, uh, they wouldn't issue her a license, if she wasn't have a fire inspection, well, anyway, it only happened two months ago.

O: They stalled, stalled, stalled?

D: I don't know what happened.

O: But did they cite her and have police officers?

D: No. She wasn't in violation. It was the city's fault, they never came and inspected her. They came and gave her a fire inspection and there were a couple of things she had to do. She corrected them and then she had a business license the next day.

O: Mine was held up and it was held up probably by Ed. I think that's when...

D: You know, Vic, I can't talk to that, because I don't, I don't have that knowledge.

O: Some of the evidence appears that way, and I don't know if that's positive I'm...I'm...on my way to proving it and I think I probably will, but that doesn't have anything to do with you.

D: Well, right, but so, okay. You tell me what I can do to help you.

O: I think we got to back this train wreck up. That's what I think. I think the harm that's been done to me, to my business, my reputation, needs to be backed up. I...I...we could back our way out of this if we do it carefully. Otherwise, it's you and us going to court, I'm going to file a big ole civil suit, I'm going to join Ernie and we're going to do a class action suit against the city, and that's going to cost you politically and it's going to cost the city money, and it'll cost Ernie and I time and money and I don't know exactly what it's going to do but it's going to leave a lot of damage. And I think most of it is unnecessary. But I am left with darn little other choice.

D: Well, okay, we're talking about it. We back the train up from what point?

O: I think...I think if you put me back on the Planning Commission, and I serve out my time--mind you, that's only three or four months, it rectifies that mistake. And maybe I even resign in the meantime, I'm not going to promise one way or the other. I mean, but, that fixes that, and there's no quid-pro-quo, no I'll get off and you'll do this. And we'll sit down and fix the rest of it. Exactly what the city wants to do about costing me a year's worth of employment, I don't know. I think we ought to talk about that. But we could probably work some sort of compromise on that. That doesn't have to be the back breaker. But I...I will, I told you this from day one, if I'm going to get bullied, I'm going to fight back. But you know what? The guy I really wanted in there and who I think is a big bully, is gone, and the people that are left are going to get hurt by it. And I'm not happy with that. But if I have to do it, I'll do it.

D: Well, Vic, you're asking me to do something I can't do. I can't put you back on the Planning Commission, even if I wanted to.

O: I'm not...what I'm saying is, it was very clear in the minutes. You've seen the minutes. It was very clear in the minutes when my term would expire. What am I going to do in there four months? What it does is give me back my self respect and it backs the train up. And that's what needs to be done. You don't need a train wreck that was engineered by Ed. You don't need one in your life. And the City sure doesn't need it.

D: I'm the one who put you off the Planning Commission with all the information I had, Vic.

O: Now, you told me it was the other City Council people who'd done that.

D: Well, they did. The City Council did, but I was there at the time. Well, that was my first week.

O: Yeah, but what I'm saying is that you didn't make that decision all by yourself.

D: Oh, absolutely...

D: I don't have the...I don't have the clout with them guys that I would convince them to put you on. Who would be put off?

O: No, no. Don't put anyone off. You gotta...you gotta hole there right now.

D: Yeah, as an alternate.

O: Yeah, well that's true.

D: If we filled...

O: I...I'm just saying, let's back the train up. You know, even if I don't show up for a meeting, where's the problem? Let that be my choice. I don't believe you can make a deal that says, "I you get off the Planning Commission, I'll fix your citation and give you a business license. I believe that's wrong of you. I really do. And I think the courts are going to find that wrong. Why do we need to go there. It's going to be your choice if we go there or not.

D: Well, I don't think...It is to the point it is not my choice. The choice has already been made.

O: Not by me, it hasn't. I've got some things written. I've not got them filed. Mostly, because I don't feel good about filing them. I think they're right. But I think they're shooting the wrong guy.

D: Well, you know they may be, Vic. I can certainly tell you this, I don't, on my end of it, I do not have any problems sleeping at night. My conscience is clear. I did not harm Vic Orvis. Personally, I did not do one thing to harm you. I didn't do one thing to harm Ernest Bramwell. I did all and...I...saved Ernie on the Planning Commission, because I could have swung it the other way.

O: I agree with that.

Tab 6

MICHAEL J PETRO (4241)
YOUNG, KESTER & PETRO
Attorneys for Defendant
75 South 300 West
Provo, Utah 84601
Telephone (801) 379-0700

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH, AMERICAN FORK DEPARTMENT

PLEASANT GROVE CITY,

AFFIDAVIT OF VICTOR ORVIS

Plaintiff,

v

Case No. 021100657 MO

VICTOR R ORVIS,

Defendant

Judge Maetani

STATE OF UTAH)
) ss
COUNTY OF UTAH)

Victor Orvis, having been first duly sworn, under oath, deposes and states as follows

1 I am the Defendant in the above captioned matter

2 I filed with Pleasant Grove City an application for a business license on August 23, 2001

3 Prior to filing my application and at the time I filed my application, I was assured by agents

of Pleasant Grove City that I had filed my application in a timely manner pursuant to the City's July 19,

2001 letter that allowed for all businesses to obtain a business license


4 I only received the City's July 19, 2001 letter that provided for a 15 day period to file an application for a business license. I received no phone calls from the City with respect to my business application that was filed in August 2001.

5 After filing my business application, I made a number of calls to the City's Business Licensing Agent Carol Emery and to Zoning Enforcement Officer Ray Limb to inquire as to the status of the application. I was assured by Ms. Emery that the City was going to approve my application and that it was the City's policy to notify anyone whose application was not approved.

6 I was never advised that my application would not be approved because I allegedly did not complete the application or pay an application fee.

7 Following the City's first notice date July 19, 2001, I did not receive a second notice that I was not in compliance with the business licensing provisions of the City's Ordinance.

DATED this 8 day of Jan, 2004



VICTOR ORVIS

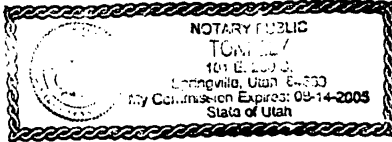
STATE OF UTAH)
) ss
COUNTY OF UTAH)

Victor Orvis, being first duly sworn upon this oath, deposes and says that he is the Defendant Petitioner in the above-entitled action, that he has read the foregoing and understands the contents thereof,

and the same is true of his own knowledge, information and belief.

Victor Orvis
VICTOR ORVIS

SUBSCRIBED AND SWORN to before me this 8 day of July, 2004.



Toni Elie
NOTARY PUBLIC

CERTIFICATE OF MAILING AND FAXING

I certify that on the 8th day of January, 2004, a true and correct copy of the foregoing
was mailed and faxed, postage prepaid, to the following:

Stephen Schreiner, Esq.
351 West Center
P.O. Box 1849
Provo, Utah 84603

Carolyn Ly

Tab 7

Memo

To: Ray Limb, Zoning Administrator
From: Carol Emery, Business Licensing
Date: August 29, 2001
Subject: Citations for those who have not complied with licensing requirements/notifications

Here are the lists that I have been threatening to send over:

State Sales Tax Notification: This is the list from the mailing that was requested from Frank Mills. It is current as of August 29, 2001. I continue to receive notification from those contacted and will try to update you as they come in. Frank asked that we send one letter, and when the time frame expired, that contact and citations be issued.

Business License Renewal List of 2001: This is the list that shows the remaining businesses that have not renewed for the licensing year 2001. Three letters have been sent and phone calls have been made. No further notification from this office will be made. Information I received is included. I have also included the penalty fee schedule so you will know what they will owe.

Fire Inspection List: Starting this year, Mark Hales - Fire Marshall, requested that all commercial businesses and most home occupation have a yearly fire inspection. Some of these businesses had not ever been inspected, were inspected many years ago, or were not current on what is being required now. We contacted those who did not comply by letters, and then phone calls. No further notification from this office will be made. Information I received is included.

Usual procedure on these businesses is that, after I have made several attempts to notify by letter and phone, if they have still not complied, that all information is then turned over to you - the Zoning Officer. It then falls to you to carry out the visits, and if necessary citations. You may have to go to the place of business and visit and find out what their status is, etc. When you have found out their status, you then let me know what they are going to be doing.

I know how extremely busy you are with other matters. I feel, that it is important that this be taken care of as soon as you are able. The reason this needs quick attention, is that in just a few months, we will be trying to start renewing for the 2002 licensing year. I get a lot of angry comments from those who are contacted this late in the year (especially those who are on the Sales Tax mailing) - even if they are the one's who have neglected to comply.

Let me know if you need to know anything further or need any additional information.

Thank you,

Carol

cc: Frank Mills

Sent all lists
all types of letters for final notice
Fee structure

00135

Tab 8

Jim,

Monday, September 24 at 7:00 pm we need some officers to go with Ray Limb of planning and zoning to an illegal business/zoning violation at approximately 500 West Center in PG.

This is the home and business of a Vic Orvis, who is actually a planning commission member. He is also the guy who has a concealed/carry permit and who has been bringing his weapon into planning meetings. 10-0 should be used, although no threats have been made.

We'll talk about it in staff mtg on Monday.

Cody #102

Tab 9



Print story
printing



Mail a copy
this story

Pleasant Grove, ex-planning chief battle

By Sharon Haddock
Deseret News staff writer

PLEASANT GROVE Ñ Victor Orvis says he's being targeted for butting heads with the previous city administration in Pleasant Grove.

Orvis, the city's former planning commissioner, vows to fight charges of operating without a business license.

"I very much feel like I'm being targeted," Orvis said.

City officials say they're simply enforcing the law.

Steve Shriner, a Provo City assistant prosecutor who has been assigned the case, says the six misdemeanor counts of operating without a license "were appropriate."

Shriner has been assigned the case because Orvis served on the planning panel during the time of the alleged offense. Shriner said doing business without a license is a misdemeanor.

Orvis' case will be heard Aug. 17 in Pleasant Grove's justice court.

But Orvis said he returned a letter from the city that told him to buy a license for his home-run business, Design Fabricators which is a consulting and prototype development business. He said he returned the letter with an application and \$100 for the fee.

He said the city refuses to grant him a license.

"They're saying because you don't have a license, you can't get one," said Orvis. "It usually takes one to two days. For me, it's been nine months. It's simply vindictive."

Those in the city administration say Orvis refuses to allow inspectors on his property to see if his business meets fire safety requirements. They say Orvis is being difficult.

Mayor Jim Dankleif said the city offered to drop the charges against Orvis if he agreed to resign in his third year as a planning commissioner, a four-year post. Orvis refused.

During his tenure, Orvis ran into considerable conflict with former Mayor Ed Sanderson, usually over proposed apartments and condominiums.

"I'm not really for high-density housing. I was a fireman for a city in California that went bankrupt because of it," said Orvis.

"I made a thorn out of myself and now they're sticking me back."

E-MAIL: haddock@desnews.com

Tab 10

BUSINESS LICENSE MAILING FROM STATE SALES TAX DISTRIBUTION LIST:

July 2001, a business mailing list was compiled from the State Sales Tax Distribution Report. We had many businesses who held a state tax number, but were not licensed with the city. Review of the distribution list was made, each number was verified with currently licensed businesses. Those sales tax numbers that did not have a license were then added to a mailing list.

Notification was sent by form letter explaining how to go about obtaining a business license. Instruction was given and applications, procedures, permits were also sent. We asked that the city be notified, whether this applied to them or not. We gave a response time of fifteen (15) days and stated that no further notification would be sent from my office. Any further notification would then come from the Community Development Office-Zoning Administrator.

Information was documented and kept current on this mailing in my office. About 300 letters were sent. Of these 300 letters, around forty-nine (49) responded that they were either withdrawn, deleted, previously licensed, licensed under a different name than specified on that list, owner had more than one business, etc. Of the 250 businesses left, further contact was made by phone from my office. Around eighty-five (85) could not be reached or did not respond. From these, a list was made and all information was sent August 29, 2001, to Community Development, Ray Limb, Zoning Administrator. Further notification and citation was to come from ~~his~~ office.

ORIGINAL MAILING LIST:

• OBTAINED A BUSINESS LICENSE:	39
• RETURNED MAIL / ADDRESS UNKNOWN:	25
• NO LICENSE / KEPT SALES TAX NUMBER:	12
• LICENSED IN ANOTHER CITY:	28
• NON-COMPLAINT:	75
• NOT DOING BUSINESS:	49
• NO LICENSE REQUIRED / CRAFTERS, ETC.:	11
• FILED / WAITING APPROVAL ON LICENSE:	12
• <u>TOTAL:</u>	<u>251</u>

NON-COMPLIANCE NOTIFICATION LIST:

• NO LICENSE REQUIRED:	1
• OBTAINED A BUSINESS LICENSE:	6
• NOT DOING BUSINESS:	27
• SALES TAX NUMBER WITHDRAWN:	43
• LICENSED IN ANOTHER CITY:	3
• RETURNED MAIL / ADDRESS UNKNOWN:	4
• CONTACTED / WAITING (Eventually licensed):	1
• CITATION:	1
• <u>TOTAL:</u>	<u>86</u>

Tab 11

TIME AROUND PATTERNS
N 300 E
PLEASANT GROVE, UT 84062

31GALES ATTIC
03 N 820 W
PLEASANT GROVE, UT 84062

DELETED
ADVANTAGE AIR
05 S 100 E, 13
PLEASANT GROVE, UT 84062

AJ TRADING
587 N 600 E
PLEASANT GROVE, UT 84062

ALL-STAR VCR REPAIR
911 E 1150 N
PLEASANT GROVE, UT 84062

Not on 2/27/01 Tax List
No Admin. Cit. Letter
ANEW
1711 N 70 E
PLEASANT GROVE, UT 84062

RONALD R ASHBY
935 S 1500 E
PLEASANT GROVE, UT 84062

AVALON-HAND KNIT FASHIONS
465 S 1250 E
PLEASANT GROVE, UT 84062

BDR MOTORSPORTS LLC
238 N 850 E
PLEASANT GROVE, UT 84062

BGBS-TCB
441 E 1600 N
PLEASANT GROVE, UT 84062

A L ENGINEERING & SERVICE
341 E 900 N
PLEASANT GROVE, UT 84062

ACORNS & EAGLES ENTERPRISES
730 W 1100 N
PLEASANT GROVE, UT 84062

Windsor Marketing
ADVENTURE BOUND PRODUCTS
595 N 1300 E
PLEASANT GROVE, UT 84062

LUNA AKASHA
595 N 500 E
PLEASANT GROVE, UT 84062

ALTERNATE AUDIO LC
918 W 2200 N
PLEASANT GROVE, UT 84062

ANNAS FANCI POPPINS
2148 N 1300 W
PLEASANT GROVE, UT 84062

ASPEN DENTAL DESIGN LABORATORY
1133 E 30 S
PLEASANT GROVE, UT 84062

B-HEALTH-E HEALTH INVESTMENT
441 E 1600 N
PLEASANT GROVE, UT 84062

Not on 2/27/01 Tax List
BEADLINGS
642 N CANYON VIEW CIRCLE
PLEASANT GROVE, UT 84062

BILLS CUSTOM WOODWORKING
1020 E 755 N
PLEASANT GROVE, UT 84062

ABCO GLASS PRODUCTS
ALFRED LEVIN
3939 W 9600 N
PLEASANT GROVE, UT 84062

HEIDI J ADKINS
615 S 1250 E
PLEASANT GROVE, UT 84062

AFTERGLOW
671 E 300 N
PLEASANT GROVE, UT 84062

ALL THINGS PRINTED
563 N 1010 W
PLEASANT GROVE, UT 84062

RAEANN M ANDERSON
280 W 1570 N
PLEASANT GROVE, UT 84062

APEX ADVENTURE SPORTS LC
155 N 100 W
PLEASANT GROVE, UT 84062

AUTO PHONE
2325 N 1300 W
PLEASANT GROVE, UT 84062

THE BBQ BANDIT
1055 E 1100 N
PLEASANT GROVE, UT 84062

THE BEVELED EDGE LLC
1051 N 1250 W
PLEASANT GROVE, UT 84062

A BIRD IN HAND
542 W 2600 N
PLEASANT GROVE, UT 84062

total, 2 Not on Tax List

00290

██████████
CONSULTING GROUP
9 N 1240 E
PLEASANT GROVE, UT 84062

██████████
IARLA R BOREN
069 N 850 E
PLEASANT GROVE, UT 84062

██████████
DIANE BRERETON
205 N 100 E
PLEASANT GROVE, UT 84062

██████████
BRYON L ROSQUIST DC PC
405 S 100 E STE 104
PLEASANT GROVE, UT 84062

DELETED
BUNNY HUGS
433 E 1790 N
PLEASANT GROVE, UT 84062

* Not on 2/27/01 Tax List
No Admin Citation
C HALEY STRIPING SERVICE
380 E 300 S
PLEASANT GROVE, UT 84062

██████████
CAMPING OUTPOST.COM
1328 W 3040 N
PLEASANT GROVE, UT 84062

██████████
SHIRLEY CARRIER
1281 N 730 E
PLEASANT GROVE, UT 84062

██████████
CASPER CREATIONS
503 N 900 W
PLEASANT GROVE, UT 84062

██████████
CERAMIC TREASURES
910 S 1600 E
PLEASANT GROVE, UT 84062

* Not on 2/27/01 Tax List
No Admin Citation
BLOSSOMS BLOOMIN'
1029 E 450 S
PLEASANT GROVE, UT 84062

██████████
BRUCE D BRAINARD
150 N 100 E
PLEASANT GROVE, UT 84062

* Not on 2/27/01 Tax List
No Admin Citation
BRETT'S COMPUTER SERVICES
567 N 1030 E
PLEASANT GROVE, UT 84062

██████████
BUCHANAN SUCCESS INSTITUTE
311 S CHERRY HILL DR
PLEASANT GROVE, UT 84062

██████████
JEREMIAH BURROW
690 S MOHAWK LN
PLEASANT GROVE, UT 84062

██████████
CALLS FURNITURE RESTORATION
1016 N MURDOCK
PLEASANT GROVE, UT 84062

██████████
CARBLITE INTERNATIONAL CORP
973 E 1100 N
PLEASANT GROVE, UT 84062

* Not on 2/27/01 Tax List
No Admin Citation
CHERYL ANN CARSON
854 E 1170 N
PLEASANT GROVE, UT 84062

██████████
CDH COMMUNICATIONS INC
347 N 1270 W
PLEASANT GROVE, UT 84062

██████████
CJ ENT
15 W 1100 N
PLEASANT GROVE, UT 84062

██████████
JODI BOREN
100 S 1400 E
PLEASANT GROVE, UT 84062

██████████
E REEDER BRAMWELL
1250 N 1200 W
PLEASANT GROVE, UT 84062

██████████
KARLENE BROWNING
622 E 700 N
PLEASANT GROVE, UT 84062

██████████
BUDS & BALLOONS
690 W STATE RD
PLEASANT GROVE, UT 84062

██████████
C & C SPORTS
536 W 1000 N
PLEASANT GROVE, UT 84062

██████████
LAURA M CAMPBELL
210 W THORNEBERRY WAY
PLEASANT GROVE, UT 84062

██████████
CAROL P HARDING STUDIO
480 E 500 N
PLEASANT GROVE, UT 84062

██████████
CASIE MAY DESIGNS
795 N 600 W
PLEASANT GROVE, UT 84062

██████████
CENTRAL VAC OF UTAH
911 E 1150 N
PLEASANT GROVE, UT 84062

██████████
COBBLESTONE CRAFTS
968 W 550 N
PLEASANT GROVE, UT 84062

total, 4 Not on Tax List

00289

OLD STONE CREAMERY
09 N 900 W
PLEASANT GROVE, UT 84062

COMPUTER INTEGRATED BUSINESS
47 N 1050 E
PLEASANT GROVE, UT 84062

CORPORATE SPORTSWARE UNLIMITED
199 E 300 S
PLEASANT GROVE, UT 84062

Painting
CRAFTING FAMILY
668 E 100 N
PLEASANT GROVE, UT 84062

CRAIG JONES AUTOMOTIVE SUPP
878 N 1300 W
PLEASANT GROVE, UT 84062

CRITTERS CORNER AQUATICS
1603 N 390 W
PLEASANT GROVE, UT 84062

D & B INC
65 N 100 E
PLEASANT GROVE, UT 84062

DATA TECHNIQUES INC
1147 E 100 N
PLEASANT GROVE, UT 84062

DECOR PRODUCTS
865 S 1500 E
PLEASANT GROVE, UT 84062

DESIGN SPECTRUM
105 S 300 E
PLEASANT GROVE, UT 84062

COMFORT CABIN
485 E 200 N
PLEASANT GROVE, UT 84062

COOK APPLIANCE SERVICE
1525 E 720 S
PLEASANT GROVE, UT 84062

COUNTRY COUSINS CERAMICS
210 N 200 W
PLEASANT GROVE, UT 84062

CRAFTY LADY
1091 N 600 W
PLEASANT GROVE, UT 84062

CREATIVE MEMORIES CONSULTATION
1978 N 820 W
PLEASANT GROVE, UT 84062

CRYSTAL CREEK OUTFITTERS
524 W 1800 N
PLEASANT GROVE, UT 84062

DAMONS TOYZ
1553 BLACKHAWK DR
PLEASANT GROVE, UT 84062

DAVES COMPUTER SERVICE
320 S 1300 E
PLEASANT GROVE, UT 84062

DEFINING MOMENTS
1431 W 3300 N
PLEASANT GROVE, UT 84062

DIGITAL MEMORIES
1293 N 380 E
PLEASANT GROVE, UT 84062

COMMUNIQUE MARKETING & ASSOC
1528 E 400 S
PLEASANT GROVE, UT 84062

CORDNERS TYPEWRITER CO
2761 N CANYON RD
PLEASANT GROVE, UT 84062

COWBOY UP GEAR
2220 N 180 W
PLEASANT GROVE, UT 84062

CRAIG ALLRED
1268 HILLSIDE DR
PLEASANT GROVE, UT 84062

CREEKSIDE DESIGN
3378 N 1270 W
PLEASANT GROVE, UT 84062

CUSTOM CRAFT UPHOLSTERY
116 N 1240 E
PLEASANT GROVE, UT 84062

DAREL L ASHTON LEASING
1135 NATHANIEL DR
PLEASANT GROVE, UT 84062

DAVID ROSE PHOTOGRAPHY
660 E CENTER
PLEASANT GROVE, UT 84062

DESIGN FABRICATORS INC
490 W CENTER
PLEASANT GROVE, UT 84062

does do business
DIGITAL TECHNOLOGIES INC *at home*
959 N SAGE DR
PLEASANT GROVE, UT 84062

00288

ITAL VIDEO INC
6 N 550 W
PLEASANT GROVE, UT 84062

COMPUTER KEYBOARD SPEC
27 N 280 W
PLEASANT GROVE, UT 84062

R GIBB CO
338 W 2600 N
PLEASANT GROVE, UT 84062

EDIZONE LC
220 N 1300 W, 1
PLEASANT GROVE, UT 84062

ENCHANTING TREASURES
9239 N MAHOGANY DR
PLEASANT GROVE, UT 84062

EVERINGHAM DEVELOPMENTS
1403 E 1000 S
PLEASANT GROVE, UT 84062

EZARC WELDING INC
95 W 700 S
PLEASANT GROVE, UT 84062

FINLAYSON FRAME COMPANY
66 S MAIN
PLEASANT GROVE, UT 84062

THE FLOWER PATCH
354 E 200 S
PLEASANT GROVE, UT 84062

GARY NEIBAUR CONSULTING
803 E 1150 N
PLEASANT GROVE, UT 84062

DIGITOGRAPHY
348 N 1350 E
PLEASANT GROVE, UT 84062

DONNAS MUSIC
803 E 1150 N
PLEASANT GROVE, UT 84062

EDDE MANUFACTURING
610 E 150 S
PLEASANT GROVE, UT 84062

EGADS DESIGN AND MARKETING
768 E 100 N
PLEASANT GROVE, UT 84062

EVANS & EVANS INC
752 E 1000 N
PLEASANT GROVE, UT 84062

*- Licensed as Advertiser in
Advertising # 888*

DELETED
EVERY DETAIL
564 W STATE RD
PLEASANT GROVE, UT 84062

LISA F FAUSETT
1231 E 400 S
PLEASANT GROVE, UT 84062

STERLING S FITZGERALD
906 E 900 S
PLEASANT GROVE, UT 84062

*- Licensed as Sterling Appliance
1060*

CHARLES H FOIL
555 S 1300 E
PLEASANT GROVE, UT 84062

GAYLORDS
1935 N 820 W
PLEASANT GROVE, UT 84062

DIZZI CROW INC
1287 W 930 N
PLEASANT GROVE, UT 84062

DOORSTEP CRAFTS & GIFTS
632 S LOCUST AVE
PLEASANT GROVE, UT 84062

EDGE TECHNOLOGY INC
789 S 1100 E
PLEASANT GROVE, UT 84062

COMTECH NDT
ELITE MANAGEMENT INC
310 W 1100 N
PLEASANT GROVE, UT 84062

EVERGREEN CONSERVATION ENT
3932 W 68 N
PLEASANT GROVE, UT 84062

DELETED
EXPERT BLINDS
385 E 200 N, 2
PLEASANT GROVE, UT 84062

FIGURETTS
545 S 1300 E
PLEASANT GROVE, UT 84062

FLINDERS PUBLICATIONS
9784 N 4000 W
PLEASANT GROVE, UT 84062

GARTH MEADE GROWERS
9550 N CANYON RD
PLEASANT GROVE, UT 84062

GCI DIST COMP
445 N 745 E
PLEASANT GROVE, UT 84062

00287

2009cc total

[REDACTED]
D TIP CORPORATION
3 MAIN ST, STE 3
ASANT GROVE, UT 84062

[REDACTED]
GOOSE KART SHOP
620 S 1550 E
PLEASANT GROVE, UT 84062

[REDACTED]
GRANDMA JANES BABY QUILTS
1464 N 1520 W
PLEASANT GROVE, UT 84062

[REDACTED]
EAT BASIN BEVERAGE AND D
W 200 S
EASANT GROVE, UT 84062

[REDACTED]
GREEN PEANUTS MARKETING
1803 W 800 N
PLEASANT GROVE, UT 84062

[REDACTED]
GREYHOUND LINES INC
10 S MAIN ST
PLEASANT GROVE, UT 84062

[REDACTED]
JARDIAN ANGEL GIFTS
5 N MAIN ST
EASANT GROVE, UT 84062

[REDACTED]
HALLS CONDER MICHELLE
110 E 200 S, 1
PLEASANT GROVE, UT 84062

[REDACTED]
HAPPY VALLEY SNACKS
1729 N 1520 W
PLEASANT GROVE, UT 84062

[REDACTED]
ONNA L HARLEY
51 E 1000 N
LEASANT GROVE, UT 84062

[REDACTED]
NATALIE HAYES
967 N 1010 W
PLEASANT GROVE, UT 84062

[REDACTED]
HDM SYSTEMS
1120 N 530 W
PLEASANT GROVE, UT 84062

[REDACTED]
HEART TO HEART CREATIONS
430 W 1100 N
PLEASANT GROVE, UT 84062

[REDACTED]
HEARTS & FLOWERS
2373 N 600 W
PLEASANT GROVE, UT 84062

[REDACTED]
HEIRLOOM ART AND FRAME
688 N 1550 W
PLEASANT GROVE, UT 84062

Send 7-30

[REDACTED]
HEKELA INC
2525 N 600 W
PLEASANT GROVE, UT 84062

[REDACTED]
HERITAGE HOME ORIGINALS
4273 W MANILA CREEK
PLEASANT GROVE, UT 84062

[REDACTED]
HOLDAWAY ENTERPRISES
690 N 300 E
PLEASANT GROVE, UT 84062

[REDACTED]
HOLLIS MFG CO
575 S 1500 E
PLEASANT GROVE, UT 84062

[REDACTED]
HOMES COMPLETE LLC
1360 W STATE RD
PLEASANT GROVE, UT 84062

[REDACTED]
HOMETECH SOFTWARE INC
1416 W STATE
PLEASANT GROVE, UT 84062

*- Plyne Floor Coverings
#537*

*- Limp View Mouldings
at this location*

[REDACTED]
HOP SHOP
1272 N 530 W
PLEASANT GROVE, UT 84062

[REDACTED]
HYDRO TECH
1140 E 100 N
PLEASANT GROVE, UT 84062

[REDACTED]
DREAM OF BABY.COM
1179 W 1080 N
PLEASANT GROVE, UT 84062

** Not
on
2/27/01
Tax List*

*- Wedding Cakes by Dawna
also licensed at this location
different tax #*

[REDACTED]
INCLIPZ GRAPHICS
1573 E BLACKHAWK DR
PLEASANT GROVE, UT 84062

[REDACTED]
INSIDE OUT AUTO DETAILING
690 N 600 E
PLEASANT GROVE, UT 84062

[REDACTED]
INTERMOUNTAIN YELLOW PAGES
402 S 1210 E
PLEASANT GROVE, UT 84062

#963

** Not
on
2/27/01
Tax List*

No Admin Citation

** Not on 2/27/01 Tax List
No Admin Citation*

[REDACTED]
IVIE FAMILY PARTNERSHIP
322 E STATE ST
PLEASANT GROVE, UT 84062

[REDACTED]
J & W SNACKS UNLIMITED
817 E 1100 N
PLEASANT GROVE, UT 84062

[REDACTED]
JACKMAN AUDIO VIDEO
829 E 1100 N
PLEASANT GROVE, UT 84062

Aspen Salon location

30 page total, 3 not on tax List

00286

MICHAEL JACOBSEN
59 E 900 S
PLEASANT GROVE, UT 84062
*- licensed Animal
Impressions # 1261*

JOHN B JARVIS
1355 E 250 N
PLEASANT GROVE, UT 84062
*licensed Classic
Weddings # 748*

DENNIS JEPPEPERSON
1855 W 1100 N
PLEASANT GROVE, UT 84062

JOYS LEARNING PROGRAM
1119 E 30 S
PLEASANT GROVE, UT 84062

KARLA KIMS KREATIONS
918 W 2200 N
PLEASANT GROVE, UT 84062

L NATURELLE
431 E 500 S
PLEASANT GROVE, UT 84062

LASERS NOW
1584 E BLACKHAWK DR
PLEASANT GROVE, UT 84062

** Not on 12/27/01 Tax List
No Admin Citation*

ISABEL M LEE
2002 N 900 W
PLEASANT GROVE, UT 84062

- licensed # 1503

LEWIS ENTERPRISES
1419 W 540 N
PLEASANT GROVE, UT 84062

LLOYD CATERING
131 N 900 E
PLEASANT GROVE, UT 84062

JANAS CUSTOM FLORALS
1045 E 1010 N
PLEASANT GROVE, UT 84062

JEEP SAFE
781 N DALTON
PLEASANT GROVE, UT 84062
with license

JEREMY C LARSON
976 E 1000 N
PLEASANT GROVE, UT 84062

JP ASSOCIATES
3905 W 9850 N
PLEASANT GROVE, UT 84062

L & T TRAINERSHIP INC
140 N 1050 E
PLEASANT GROVE, UT 84062

LANMARK INTERNATIONAL
399 E STATE RD
PLEASANT GROVE, UT 84062
*- Financial Advantage # 1173
is licensed here*

** Not on 12/27/01 Tax List
No Admin Citation*
LAUNCH WEB NET
738 E 1000 N
PLEASANT GROVE, UT 84062

LEISAS LINES
315 N 1050 E
PLEASANT GROVE, UT 84062

LIFESOURCE LLC
655 W 220 S
PLEASANT GROVE, UT 84062

LOVIN MEMORIES
420 E CENTER
PLEASANT GROVE, UT 84062

IANS PORCELAIN DOLLS
9472 N CANYON RD
PLEASANT GROVE, UT 84062

JENSEN PUBLICATIONS
1155 E 30 S
PLEASANT GROVE, UT 84062

JKM CONSULTING
540 E 700 N
PLEASANT GROVE, UT 84062
*- also licensed with
Enchanted Memories # 11:*

JUNIPER VIDEO PRODUCTIONS
717 S 1100 E
PLEASANT GROVE, UT 84062

** Not on 12/27/01 Tax List
No Admin Citation*
LJR HOME FURNITURE
901 S MAIN
PLEASANT GROVE, UT 84062

LARSSON CONTRACTING
1214 W 1080 N
PLEASANT GROVE, UT 84062

LAW ENFORCEMENT SERVICES
500 S MELANIE LN
PLEASANT GROVE, UT 84062

LENNIS A JONES ILLUSTRATION
1685 E 1000 S
PLEASANT GROVE, UT 84062
*- also has Chequone
Bookkeeping here # 538*

LITTLE MOUNTAIN RECREATION
928 E 430 N
PLEASANT GROVE, UT 84062

*- also has R+R Property
Manage # 1448*

THE LYCEUM
880 E GROVE CREEK DR
PLEASANT GROVE, UT 84062

20 days total, 3 not on tax list

nn285

[REDACTED]
YERS CREAM
19 E 1030 N
PLEASANT GROVE, UT 84062

[REDACTED]
MAKE A MEMORY STORY BOOK
111 E 630 N
PLEASANT GROVE, UT 84062

[REDACTED]
MBJ
693 E 990 S
PLEASANT GROVE, UT 84062

[REDACTED]
MICHAEL R ROBINSON & ASSOC
1370 E 330 N
PLEASANT GROVE, UT 84062

[REDACTED]
MONT'S TOOL REPAIR
865 S MAIN ST
PLEASANT GROVE, UT 84062

[REDACTED]
MY PERSONAL TECHNICIAN
500 N 1069 E
PLEASANT GROVE, UT 84062

[REDACTED]
NFSCO SERVICES LC
1005 S MAIN ST
PLEASANT GROVE, UT 84062

[REDACTED]
OBISPO TRADING INTERNATIONAL
978 E GROVE DR
PLEASANT GROVE, UT 84062

[REDACTED]
PAINTERS DEN
1120 N 530 W
PLEASANT GROVE, UT 84062

*Not on 2/27/01 Tax List
[REDACTED] No Admin Citation
PARKS PURE AIR & WATER SOL
1174 E 830 S
PLEASANT GROVE, UT 84062

- has Settlements \$1508
1 has

[REDACTED]
SUSAN MADISON
795 S LOADER AVE
PLEASANT GROVE, UT 84062

[REDACTED] already sent with
MAVDOS - MVICHI 136155-TCB
MHS - WHS
441 E 1600 N
PLEASANT GROVE, UT 84062

[REDACTED]
DELETE
MELLOTT VENDING
140 S 600 E
PLEASANT GROVE, UT 84062

[REDACTED]
MISSION PARTNERS
349 N 1350 E
PLEASANT GROVE, UT 84062

[REDACTED]
MOUNTAIN WEST SECURITY SYSTEM
2325 N 1300 W
PLEASANT GROVE, UT 84062

[REDACTED]
NEGALODON
1720 W 680 N
PLEASANT GROVE, UT 84062

[REDACTED]
ANTONIO J NUNES
738 E 1000 N
PLEASANT GROVE, UT 84062

[REDACTED]
ORGANIZE PLUS
378 E 1590 N
PLEASANT GROVE, UT 84062

[REDACTED]
KIRT A PALMER
1246 W 3420 N
PLEASANT GROVE, UT 84062

[REDACTED]
DELETE
PEAK MARKETING
1071 N 500 W
PLEASANT GROVE, UT 84062

[REDACTED]
MAHOGANY MOUNTAIN ENTERPRISES
754 W 4000 N
PLEASANT GROVE, UT 84062

[REDACTED]
MARILYN MAXFIELD
111 W 200 W S
PLEASANT GROVE, UT 84062

[REDACTED]
MERRELL WOODCRAFTS
425 N 400 E
PLEASANT GROVE, UT 84062

X
No + [REDACTED] No Admin Citation
on 2/27/01
MOBILE RESTORATION SERVICE
PO BOX 885
PLEASANT GROVE, UT 84062

[REDACTED]
MRO COM INC
1206 W 3300 N
PLEASANT GROVE, UT 84062

[REDACTED]
NEW DAWN ENTERPRISES
730 W 1100 N
PLEASANT GROVE, UT 84062

[REDACTED]
NYDB INC
751 W 2100 N
PLEASANT GROVE, UT 84062

[REDACTED]
NORMA JL PAHIA
912 W 550 N
PLEASANT GROVE, UT 84062

[REDACTED]
PAUL PARKER
494 N 990 E
PLEASANT GROVE, UT 84062

[REDACTED]
PERFORMANCE MACHINE
655 W 220 S, #19
PLEASANT GROVE, UT 84062

on 2/27/01 total, 2 Not on tax List

00284

PETERSON ORLN V PETERSON S
1250 W 2600 N
PLEASANT GROVE, UT 84062

- Under the Sun #1006

PLEASANT GROVE AERIE 3372
200 N 600 W
PLEASANT GROVE, UT 84062

- FOE #3372 licensed

*Not on 2/27/01 Tax List
No Admin Citation.
PRETTY GREAT
658 E 100 N
PLEASANT GROVE, UT 84062

PURE AND SIMPLE
324 E 900 N
PLEASANT GROVE, UT 84062

RA VAN VENDING
1978 N 820 W
PLEASANT GROVE, UT 84062

RENSLOWS CONSULTING
871 E 1250 N
PLEASANT GROVE, UT 84062

RICHARD BEARD & RICHARDS
55 E CENTER
PLEASANT GROVE, UT 84062

- Richards Corporation #269

ROBERT AND VOLOY BOWERS
400 S 300 E
PLEASANT GROVE, UT 84062

ROYAL WEST MARTIAL ARTS
1100 E 900 S
PLEASANT GROVE, UT 84062

BRUCE R SADERUP
+685 N 1520 W 490 E State
PLEASANT GROVE, UT 84062

PICK ME FLOWERS
1382 W 1450 N
PLEASANT GROVE, UT 84062

- licensed as The Shop
around the Corner #1475

PLEASANT GROVE COIN & STAMP
591 E 200 N
PLEASANT GROVE, UT 84062

PRINT MEDIA CONSULTANTS
614 N 1370 W
PLEASANT GROVE, UT 84062

QUEST INC
02 N 1300 E
PLEASANT GROVE, UT 84062

WAYS
380 S 300 E
PLEASANT GROVE, UT 84062

LEANN P RESSLER
655 LOADER DR
PLEASANT GROVE, UT 84062

*No-
on 2/27/01 Tax List
No Admin Citation
CAROLYN RINGGER
701 E 500 N
PLEASANT GROVE, UT 84062

JOYCE ROBINSON
885 S 700 E
PLEASANT GROVE, UT 84062

RPG INC
371 E 500 S
PLEASANT GROVE, UT 84062

SAFETY FIRST
483 E 820 S
PLEASANT GROVE, UT 84062

PK PROPERTY ENTERPRISES
750 E 1100 N
PLEASANT GROVE, UT 84062

PRAIRIE DREAMS
247 S CHERRY HILL DR
PLEASANT GROVE, UT 84062

PRO CASES INC
1634 N 150 E
PLEASANT GROVE, UT 84062

R & S MARKETING
1176 N 380 E
PLEASANT GROVE, UT 84062

REDDEKOPP INVESTMENT LC
492 S 250 W
PLEASANT GROVE, UT 84062
- CS Concrete #1273
licensed here

RICH DESIGNS
660 S 1550 E
PLEASANT GROVE, UT 84062

RIPN GRAPHICS AND DESIGN
330 N 400 E
PLEASANT GROVE, UT 84062

BONNIE L ROGERS
980 SAGE DR
PLEASANT GROVE, UT 84062

RUSTIC WOOD DESIGN
287 W CENTER ST
PLEASANT GROVE, UT 84062

SAGE RECORDS
1897 N 900 W
PLEASANT GROVE, UT 84062

on page total, 2 Not on tax list

00283

[REDACTED]
DY C ENTERPRISES
S 100 E
ASANT GROVE, UT 84062

[REDACTED]
EPH M SCHOFIELD
S 1450 E
ASANT GROVE, UT 84062

*Not on 2/27/01 Tax List
No Admin Citation*
[REDACTED]
ELFENS 110 Acct
S 500 E
EASANT GROVE, UT 84062

[REDACTED]
OLD OUT CONCERTS PRODUCTION
63 W 9950 N
EASANT GROVE, UT 84062

[REDACTED]
OURCESTREAM
358 E 700 S
LEASANT GROVE, UT 84062

[REDACTED]
RP MANUFACTURING
148 N 180 W
PLEASANT GROVE, UT 84062

[REDACTED]
SWEETOOTH CO
135 W 1170 N
PLEASANT GROVE, UT 84062

[REDACTED]
TCLS INC
1309 W 3300 N
PLEASANT GROVE, UT 84062

[REDACTED]
TIMP VIEW FRAMING
1545 N 1520 W
PLEASANT GROVE, UT 84062

*Not on 2/27/01 Tax List
No Admin Citation*
[REDACTED]
THE TREASURED CHEST
1830 N 820 W
PLEASANT GROVE, UT 84062

889 E Winchell Bl
[REDACTED]
THE SANTA OF THE MONTH CLUB
840 N 300 E
PLEASANT GROVE, UT 84062
*- Same as 2nd Time Around
+ Come West Herbal Bath*

[REDACTED]
SCOTT TWIGGS
2035 N 1300 W
PLEASANT GROVE, UT 84062

[REDACTED]
SIMPLE JOE INC
987 E 100 N
PLEASANT GROVE, UT 84062

[REDACTED]
SONG HAUS MUSIC
746 W 2100 N
PLEASANT GROVE, UT 84062

[REDACTED]
SOUTHWEST MARKETING
921 E 510 N
PLEASANT GROVE, UT 84062

[REDACTED]
STEEPLE CHASE INTERIORS
1472 W RENAISSANCE
PLEASANT GROVE, UT 84062

[REDACTED]
SYNERCHI THERAPEUTIC MASSAGE
28 N 100 E
PLEASANT GROVE, UT 84062

[REDACTED]
TENDER TREASURES BY CAROLE
581 E 1030 N
PLEASANT GROVE, UT 84062

[REDACTED]
TO LIFE
454 N 300 E
PLEASANT GROVE, UT 84062

[REDACTED]
TRI D ENTERPRISES
1280 E MOHICAN CIR
PLEASANT GROVE, UT 84062

Not on 2/27/01 Tax List
[REDACTED]
SAWDUST AND SMOKE No Admin Cit
369 E 900 N
PLEASANT GROVE, UT 84062

[REDACTED]
LACY H SEEGMILLER
1714 N 70 E
PLEASANT GROVE, UT 84062

Not on 2/27/01 Tax List
[REDACTED]
SL ANDERSON AND ASSOCIATES
745 E CHERRY HILL DR
PLEASANT GROVE, UT 84062

[REDACTED]
SOUNDS EXCITING MUSIC
651 S MOHAWK
PLEASANT GROVE, UT 84062

Not on 2/27/01 Tax List
[REDACTED]
No Admin Citation
SPARKY INDUSTRIES
540 N 900 E
PLEASANT GROVE, UT 84062

[REDACTED]
STRUGIS ENTERPRISES INC
205 E 1640 N
PLEASANT GROVE, UT 84062

[REDACTED]
TAILWATER IMAGES
915 S 1680 E
PLEASANT GROVE, UT 84062

[REDACTED]
THISTLE HOLLOW LC
1886 W 800 N
PLEASANT GROVE, UT 84062

[REDACTED]
TRANSOUNDS INC
1235 E 200 N
PLEASANT GROVE, UT 84062

[REDACTED]
TRISTAR MANUFACTURING CORP
441 N 1030 E
PLEASANT GROVE, UT 84062

total, 4 Not on tax List

00282

████ - Queen address
OHBY HOMES LC
10 W 2600 N
PLEASANT GROVE, UT 84062

████
THE ULTIMATE KITCHEN
1398 W 870 N
PLEASANT GROVE, UT 84062

████
UNION CHIEF ENTERPRISES
757 E 800 N
PLEASANT GROVE, UT 34062

████
JITED EDUCATION CENTERS
S MAIN ST
PLEASANT GROVE, UT 84062

████
UTAH FISHING ADVENTURES
8990 N CANYON RD
PLEASANT GROVE, UT 84062

████
VARIETY SALES INC
573 E 870 S
PLEASANT GROVE, UT 84062

████
ENDING FOR FUN
87 E 1640 N
PLEASANT GROVE, UT 84062

*
Not on 2/27/01 Tax List
████ No Admin Citation
VERUS RATING TECHNOLOGIES
1735 N 1300 W
PLEASANT GROVE, UT 84062

████
VIVA LA VINEGAR
655 S 1550 E
PLEASANT GROVE, UT 84062

No + on 2/27/01 Tax List
████ No Admin Citation
WAKEFIELD GRAPHICS
1570 N 600 W
PLEASANT GROVE, UT 84062

████
WALL CLIMBERS INC
391 E 200 N
PLEASANT GROVE, UT 84062

████
MARIA S WARNICK
1756 N 390 E
PLEASANT GROVE, UT 84062

████
WELCOME HOME
835 E 800 N
PLEASANT GROVE, UT 84062

████
WELCOME HOME TO BUILDER
1360 W STATE
PLEASANT GROVE, UT 84062

████
WESTERN LIVESTOCK TAG & SUPPLY
909 W STATE RD
PLEASANT GROVE, UT 84062

████
WESTERN UTILITY CONTRACTOR
800 S MAIN ST
PLEASANT GROVE, UT 84062

████
ROBERT C WHALEY
745 E 100 N
PLEASANT GROVE, UT 84062

████
WHATEVER ETC
1764 W 800 N
PLEASANT GROVE, UT 84062

████
ROSANA WHETTEN
1735 N 1300 W
PLEASANT GROVE, UT 84062

████
WILDERNESS ENERGY SYSTEMS
386 N 2000 W
PLEASANT GROVE, UT 84062

*
Not on 2/27/01 Tax List
████ No Admin Citation
WINDHAVEN PUBLISHING & PRO
622 E 700
PLEASANT GROVE, UT 84062

████
WINTER SOLSTICE
976 N 1020 E
PLEASANT GROVE, UT 84062

████
WOOD N TOUCH
1712 N 390 W
PLEASANT GROVE, UT 84062

████
JAMES E WOODS JR
9550 N CANYON RD
PLEASANT GROVE, UT 84062

████
XOANAN INDUSTRIES
644 880 W
PLEASANT GROVE, UT 84062

*
Not on 2/27/01 Tax List
DELETE █████ No Admin Citation
ZUPAN ARTS
3985 N 900 W
PLEASANT GROVE, UT 84062

26 page total,
4 Not on tax List

notes;

24 names on this list of 296 names are not on the 2/27/01 Sales Tax list. Only 265 on this list are on the 2/27/01 Sales Tax list. yet There are 355 on the tax list that should show up on this list. why are 59 names omitted?
1) The 7 names that appear to be numerically unaccounted for
... are listed under more than 1 name etc.

00281

Tab 12

1470 45 07 0/25/07

Utah State Tax Commission

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

acct	dba name	dba addr	dba city	dba state	dba zip	dba phone
51301	2ND TIME AROUND PATTERNS	840 N 300 EAST	PLEASANT GROVE	UT	84062	4358889465
54220	9TH STREET STUDIO	912 W 900 N	PLEASANT GROVE	UT	84062	8017960279
59594	A & M OUTDOOR POWER EQUIPM	1031 W STATE RD	PLEASANT GROVE	UT	84062	8017854251
51639	A L ENGINEERING & SERVICE	341 E 900 NORTH	PLEASANT GROVE	UT	84062	0000000000
70924	A-B-SEE MARKETING	423 S 1500 E	PLEASANT GROVE	UT	84062	8017850442
07108	AAA QUANTUM HYPNOSIS	625 E 200 N	PLEASANT GROVE	UT	84062	8017963422
36723	ABCO GLASS PRODUCTS	3939 W 9800 N	PLEASANT GROVE	UT	84062	8017853356
58586	ABIGALES ATTIC	1903 N 820 W	PLEASANT GROVE	UT	84062	8017855962
57664	ACORNS & EAGLE ENTERPRISES	730 W 1100 N	PLEASANT GROVE	UT	84062	8017854270
29905	ADKINS HEIDI J	615 S 1250 E	PLEASANT GROVE	UT	84062	8017855909
54701	ADVANCE TECHNICAL SOLUTION	1505 N 1520 W	PLEASANT GROVE	UT	84062	8017856477
75115	ADVANTAGE AIR	405 S 100 E 13	PLEASANT GROVE	UT	84062	8012597201
64830	ADVENTURE BOUND PRODUCTS I	595 N 1300 E	PLEASANT GROVE	UT	84062	8017637331
90064	AFTERGLOW	671 E 300 N	PLEASANT GROVE	UT	84062	8017854520
73545	AIRFREE WIRELESS PLEASANT	46 E STATE RD	PLEASANT GROVE	UT	84062	8017969360
12340	AJ TRADING	587 N 600 E	PLEASANT GROVE	UT	84062	8017967891
32556	AKASHA LUNA	595 N 500 E	PLEASANT GROVE	UT	84062	8017859188
55326	ALCEA SOFTWARE	227 N 850 E	PLEASANT GROVE	UT	84062	8017856301
60820	ALL STATES CONCRETE PUMPIN	350 W 700 S	PLEASANT GROVE	UT	84062	8012667867
52746	ALL THINGS PRINTED	563 N 1010 W	PLEASANT GROVE	UT	84062	8018561659
62955	ALL-RIGHT WELDING LC	467 W CENTER	PLEASANT GROVE	UT	84062	8013681226
63893	ALL-STAR VCR REPAIR	911 E 1150 N	PLEASANT GROVE	UT	84062	8017855523
68707	ALIGNMENT EXPRESS	550 W STATE RD	PLEASANT GROVE	UT	84062	8017966572
21709	ALLREDS ACE HARDWARE INC	330 S MAIN ST	PLEASANT GROVE	UT	84062	8017852221
21710	ALLREDS SLEEP CENTER INC	200 E STATE ST	PLEASANT GROVE	UT	84062	8017852221
58400	ALPHABET SOUP	1221 E FORT DR	PLEASANT GROVE	UT	84062	8017968980
32180	ALPINE SYSTEMS INC	170 S MAIN ST	PLEASANT GROVE	UT	84062	8017568200
397550	ALPINE TECH AUTO REPAIR	994 S MAIN ST	PLEASANT GROVE	UT	84062	8017851134
38531	ALTERNATE AUDIO LC	918 W 2200 N	PLEASANT GROVE	UT	84062	8017963652
30424	ALTERNATIVE HEALTH CENTER	198 S MAIN ST	PLEASANT GROVE	UT	84062	8017859115
559798	AMADORS INC	837 N 470 E	PLEASANT GROVE	UT	84062	8017858142
291580	AMERICAN HERITAGE SCHOOLS	125 N 100 E	PLEASANT GROVE	UT	84062	8017854050
398625	AMY COTTLE PHOTOGRAPHY	961 E CENTER ST	PLEASANT GROVE	UT	84062	8017853360
25093	ANDERSON RAEANN M	280 W 1570 N	PLEASANT GROVE	UT	84062	8017855542
104998	ANDREA DIGITAL TECHNOLOGIE	959 N SAGE DR	PLEASANT GROVE	UT	84062	7187298500

DBA List	P.G. Detail	Lead	Bus. Lic	Paid For	Bus Code	Criminal Citation	Adm'n Citation	Pro-Book	Notary Lic	Late Fee
For 2001	For 2002									
X	12/13/00, 1/23/02	HO						X		
								X		
X	11/28/00, 12/26/01	HO						X		
	7/17/01							X		
								X		
								X		
	9/6/01							X		
X	2/21/01, 12/12/01	CO						X		
								X		
	1/4/01, W 22							X		
								X		
	1/3/01							X		
								X		
X	12/8/00	HO						X		
X	?	CO						X		
X	12/19/00, 1/3/02	CO						X		
X	1/20/01, 6/1/02	CO						X		
X	12/1/00, 12/2/01	CO						X		
								X		
X	1/4/01, 12/12/01	CO						X		
X	1/2/01, 4/2/02	CO						X		
	10/9/01, 12/12/01							X		
X	12/18/00, 1/24/02	CO						X		
X	12/27/00, 2/12/01	HO						X		
	?							X		
								X		
								X		
12X 23	2 after 11/1/01	440 BCC						X		
								X		

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

1/4/01	for 2001	for 2002			Cr. Mingl C. station	Adm. n C. station	Pr. 2001-01	Notes/Bus/Ext	Lot & Fine
On Mail List	P.G. Detail	Leads	Bus Lic	Paid For	Bus Code				
X	1/6/01	1/27/02	CO						
	10/19/01						X		*
X	2/1/01		CO				X		*
	9/5/01, 11-6/02					4/5/01 No	X		*
X	12/1/00, 12/18/01		CO						
X	8/27/01, 12/1/00		HO				X		*
X	12/21/00	2/24/01	CO						
X	12/16/00,		HO						
X	12/19/00,		HO						
X	1/3/01, 1/3/02		CO						
							X		
							X		
X	12/5/00, 12/12/01		HO						
	11/29/00 - 26-01						X		
X			HO						
	12/1/01						X		
							X		
X	1/3/01, 12/12/01		HO				X		4 70 1
							X		
							X		
							X		
							X		
X	3/1/01		HO						
							X		
X	6/21/01, 12/12/01		CO						
X	11/28/00, 12/12/01		HO						
X	12/29/00, 1/3/02		CO						
	2/24/01,								
							X		
15X 20	3/1/01, 7/1/01		HO PCO		Ø	1 Home 2 road	14	4	Ø

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

key acct	dba name	dba addr1	city	state	zip	dba phone
D82413	BONRITZ WEDDINGS	9764 N CANYON RD	PLEASANT GROVE	UT	84062	8017859601
E57203	BOREN JODI	523 E CENTER ST	PLEASANT GROVE	UT	84062	8017969759
E49531	BOREN MARLA R	1069 N 850 E	PLEASANT GROVE	UT	84062	8017850132
D59144	BOSS SEATS	655 W 220 S # 2	PLEASANT GROVE	UT	84062	8017563259
E41876	BRAINARD BRUCE D	150 N 100 E	PLEASANT GROVE	UT	84062	8017852975
E77753	BRAMWELL E REEDER	1250 N 1200 W	PLEASANT GROVE	UT	84062	8017851633
E51021	BRERETON DIANE	205 N 100 E	PLEASANT GROVE	UT	84062	8017852860
D34336	BROWNING KARLENE	622 E 700 N	PLEASANT GROVE	UT	84062	8017960540
E33277	BRYON L ROSQUIST DC PC	405 S 100 E STE 104	PLEASANT GROVE	UT	84062	8017857234
D80905	BUCHANAN SUCCESS INSTITUTE	311 S CHERRY HILL DR	PLEASANT GROVE	UT	84062	8017854100
E04728	BUDS & BALLOONS	690 W STATE RD	PLEASANT GROVE	UT	84062	8017969788
C56338	BUGDENS	170 E 1ST SOUTH	PLEASANT GROVE	UT	84062	8017853635
E34760	BUNGALOW THE	79 W BATTLECREEK DR	PLEASANT GROVE	UT	84062	8017852111
E50908	BUNNYHUGS	433 E 1790 N	PLEASANT GROVE	UT	84062	0000000000
E54152	BURNT OFFERINGS	385 N 600 W	PLEASANT GROVE	UT	84062	0000000000
E54908	BURROW JEREMIAH	690 S MOHAWK LN	PLEASANT GROVE	UT	84062	0000000000
E30077	BYTE ENTERPRISE	1440 E 140 S	PLEASANT GROVE	UT	84062	8017857904
E62945	C & C SPORTS	536 W 1000 N	PLEASANT GROVE	UT	84062	8017858603
E82331	CALLS FURNITURE RESTORATIO	1016 N MURDOCK	PLEASANT GROVE	UT	84062	8017851329
E37010	CAMPBELL LAURA M	210 W THORNBERRY WA	PLEASANT GROVE	UT	84062	8017965746
E73838	CAMPING OUTPOST COM	1328 W 3040 N	PLEASANT GROVE	UT	84062	8016028095
E78525	CARBLITE INTERNATIONAL COR	973 E 1100 N	PLEASANT GROVE	UT	84062	8017859665
E77236	CARNICERIA ROMERO	330 E STATE	PLEASANT GROVE	UT	84062	8013672188
E82416	CARNICERIA ROMEROS	330 E STATE ST	PLEASANT GROVE	UT	84062	0000000000
E14760	CAROL P HARDING STUDIO	480 E 500 N	PLEASANT GROVE	UT	84062	8017852446
E10457	CARRIER SHIRLEY	1281 N 730 E	PLEASANT GROVE	UT	84062	8017857392
47325	CARTER AUTO & REPAIR	681 W STATE RD	PLEASANT GROVE	UT	84062	8017853941
E04148	CASH IT NOW	386 E STATE #12	PLEASANT GROVE	UT	84062	8016991229
E03117	CASIE MAY DESIGNS	795 N 600 W	PLEASANT GROVE	UT	84062	8017969737
E73174	CASPER CREATIONS	503 N 900 W	PLEASANT GROVE	UT	84062	8017969373
E72945	CDH COMMUNICATIONS INC	3471 N 1270 W	PLEASANT GROVE	UT	84062	8017965566
E31567	CENTRAL ELEMENTARY SCHOOL	95 N 400 E	PLEASANT GROVE	UT	84062	8017568400
E47571	CENTRALVAC OF UTAH	911 E 1150 N	PLEASANT GROVE	UT	84062	8017855523
D34431	CERAMIC TREASURES	910 S 1600 EAST	PLEASANT GROVE	UT	84062	8017850567
E46964	CERTIFIED AUTO REPAIR INC	554 W STATE RD	PLEASANT GROVE	UT	84062	8017854777

On-site List	PG Detail	Leads	Bus Lic	Paid For	Bus Code	Cr. Rating	Adm. Fee	Off. Fee	Phone Fee	Lat. Fee
X	12/29/00	12/12/01	HO							
								X		
X	1/11/01	1/3/02	CO					X		
								X		
								X		
	12-01, 12/18/01							X		
								X		
								X		
X	1/1/01, 1/3/02	HO						X		
								X		
								X		
X	12/9/00, 1/2/01	HO						X		
	9/6/01, 12/12/01							X		
								X		
								X		
X	12/6/00, 12/24/01	CO						X		
X	8/22/01, 12/12/01	HO						X		
X		CO						X		
X	1/3/01, 3/28/02	CO						X		
X	8/1/01, 1/24/02	HO						X		
								X		
								X		
X	2/23/01, 1/24/02	CO						X		
NOX 24	3 After 7/19/01	SHO SCO						23	3	

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

acct	dba name	dba addr1	PG Ltr's Note	dba city	dba state	dba zip	dba phone
4292	CHALICE PUBLICATIONS	1570 W 844 N		PLEASANT GROVE	UT	84062	8017965584
4708	CHANGING SEASONS	806 E 200 N		PLEASANT GROVE	UT	84062	8017851244
2582	CHILD SHANNON H	1702 W 870 N		PLEASANT GROVE	UT	84062	8017961472
8448	CHRISS FINE JEWELRY	1152 N 200 W		PLEASANT GROVE	UT	84062	8017963990
7955	CHRISTENSEN LARRY W	1630 E 480 S		PLEASANT GROVE	UT	84062	8017857912
1738	CHRISTENSEN TRUCK SALES LL	999 W STATE RD		PLEASANT GROVE	UT	84062	8017853451
12959	CITY OF FUN CARNIVAL INC	1494 N 500 EAST		PLEASANT GROVE	UT	84062	8017853463
7539	CJ ENT	15 W 1100 N		PLEASANT GROVE	UT	84062	8017963995
2969	CK PAULS BEAUTY SALON	93 E CENTER		PLEASANT GROVE	UT	84062	8017855562
9851	COBBLESTONE CRAFTS	968 W 550 N		PLEASANT GROVE	UT	84062	8014203671
0010	COLD SPRINGS KENNEL	1130 W STATE RD		PLEASANT GROVE	UT	84062	8017857804
7895	COLD STONE CREAMERY	2809 NORTH 900 WEST		PLEASANT GROVE	UT	84062	8012625959
4988	COLLECTORS CHOICE	140 S MAIN		PLEASANT GROVE	UT	84062	8017851965
15220	COLLECTORS COTTAGE	100 E STATE RD		PLEASANT GROVE	UT	84062	8012242234
13198	COMFORT CABIN	485 E 200 N		PLEASANT GROVE	UT	84062	8017967058
19143	COMMUNICATION SERVICES INC	662 S 1250 E		PLEASANT GROVE	UT	84062	8017969684
73814	COMMUNIQUE MARKETING & ASS	1528 E 400 S		PLEASANT GROVE	UT	84062	8017857043
18854	COMPREHENSIVE DATA SOLUTIO	150 N 1300 WEST		PLEASANT GROVE	UT	84062	0000000000
17702	COMPUTER INTEGRATED BUSINE	347 N 1050 E		PLEASANT GROVE	UT	84062	8017850367
10443	CONSIDERATION	1256 N CHERRY HILL DR		PLEASANT GROVE	UT	84062	8017850820
27374	CONTINENTAL PIPE MANUFACTU	1430 N 600 W		PLEASANT GROVE	UT	84062	8002324458
51473	COOK APPLIANCE SERVICE	1525 E 720 S		PLEASANT GROVE	UT	84062	8017854550
26402	CORDNERS TYPEWRITER CO	2761 N CANYON RD		PLEASANT GROVE	UT	84062	8017859403
31409	CORPORATE SPORTSWARE UNLIM	199 E 300 S		PLEASANT GROVE	UT	84062	8017965719
34774	CORRENAS CURTAINS	15 S 1050 E		PLEASANT GROVE	UT	84062	8017859502
76529	COUNTRY COUSINS CERAMICS	210 N 200 WEST		PLEASANT GROVE	UT	84062	8017854542
57958	COUNTRY ESSENTIALS	315 N 1350 E		PLEASANT GROVE	UT	84062	8017855323
15558	COWBOY UP GEAR	2220 N 180 W		PLEASANT GROVE	UT	84062	8017852431
10586	CRAFTING FAMILY	668 E 100 N	Riverton City Out of Bus	PLEASANT GROVE	UT	84062	8017854296
77951	CRAFTY LADY	1091 N 600 W		PLEASANT GROVE	UT	84062	8013779525
72609	CRAIG ALLRED	1268 HILLSIDE DR		PLEASANT GROVE	UT	84062	8017851875
88127	CRAIG JONES AUTOMOTIVE SUP	878 N 1300 W		PLEASANT GROVE	UT	84062	8017854757
41680	CREATIVE MEMORIES CONSULTA	1978 N 820 W		PLEASANT GROVE	UT	84062	8017859442
70706	CREEKSIDEN DESIGN	3378 N 1270 W		PLEASANT GROVE	UT	84062	8013628352
48671	CRITTER'S CORNER AQUATICS	1603 N 390 W		PLEASANT GROVE	UT	84062	8017968981

On Mail List	PG Detail	Local	Bus. Lic	Permit	Bus Code	Grinding	Cit & Tax	Adm in	Cit & Tax	DPGSD	W/Bus Lic	Late Fine
X					HO							
											X	
X	2/14/01				HO							
X	1/2/01, 1/3/02				HO							
	12/27/00, 1/1/01											
X					CO							
X					HO							
X	12/27/00, 7/18/01				CO							25.50
											X	
X	1/4/01, 1/23/02				HO							
											X	
X	12/24/00, 12/12/01				CO							
X	1/2/01, 1/24/02				CO							
X	6/1/01, 1/3/02				HO						X	
X	1/24/01, 12/12/01				HO							
											X	
											X	
	12/28/00, 1/2/01											
X	12/7/00, 12/12/01				CO							
	11/8/01										X	
											X	
	9/6/01, 4/23/02										X	51.50
	1/4/01, 1/12/01										X	
X					HO							
											X	
											X	
											X	
											X	
X	8/22/01, 12/12/01				HO						X	
											X	
											X	
14X 21	4 After 7/19/01				740 500						X	3 2

Utah State Tax Commission

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

y	acct	dba_name	dba_addr1	dba_city	dba_state	dba_zip5	dba_phone
70717	CRYSTAL CREEK OUTFITTERS	524 W 1800 N	Moved, Oregon	PLEASANT GROVE	UT	84062	8017854636
26984	CUSTOM CRAFT UPHOLSTERY	116 N 1240 EAST		PLEASANT GROVE	UT	84062	8017854319
64181	D & A VENTURES	824 N 450 W		PLEASANT GROVE	UT	84062	8017855719
53772	D & B INC	85 N 100 E		PLEASANT GROVE	UT	84062	0000000000
74085	DALLINS AFFORDABLE AUTO SA	685 W STATE RD		PLEASANT GROVE	UT	84062	0000000000
60706	DALTONS MEMORIAL ENGRAVING	439 W INDUSTRIAL DR		PLEASANT GROVE	UT	84062	8017856825
80306	DAMONS TOYZ	1553 BLACKHAWK DR		PLEASANT GROVE	UT	84062	8013584354
68555	DARREL L ASHTON LEASING	1135 NATHANIEL DR		PLEASANT GROVE	UT	84062	8017854640
42480	DATA TECHNIQUES INC	1147 E 100 N		PLEASANT GROVE	UT	84062	8017856481
64562	DAVES COMPUTER SERVICE	320 S 1300 E		PLEASANT GROVE	UT	84062	8017855254
26738	DAVID ROSE PHOTOGRAPHY	660 E CENTER		PLEASANT GROVE	UT	84062	8017852215
56296	DAYBREAK TRAINING SERVICES	599 W CENTER ST		PLEASANT GROVE	UT	84062	8017858935
48902	DAYLIGHT DONUTS	125 E STATE RD		PLEASANT GROVE	UT	84062	8012245156
00816	DB SERVICES CO	864 N 450 W		PLEASANT GROVE	UT	84062	8015952219
00816	DB SERVICES CO	864 N 450 W		PLEASANT GROVE	UT	84062	8015952219
68151	DEANS INC	378 W INDUSTRIAL RD		PLEASANT GROVE	UT	84062	8017859412
95285	DECOR PRODUCTS	865 S 1500 E		PLEASANT GROVE	UT	84062	0000000000
28717	DEFINING MOMENTS	1431 W 3300 N		PLEASANT GROVE	UT	84062	8017855117
32565	DESIGN FABRICATORS INC	490 W CENTER		PLEASANT GROVE	UT	84062	8017851218
46367	DESIGN ONE STUDIO	428 E 1790 N		PLEASANT GROVE	UT	84062	8014921112
25306	DESIGN SPECTRUM	105 S 300 E		PLEASANT GROVE	UT	84062	8017851557
41202	DIGGNS N MIXNS	330 S MAIN		PLEASANT GROVE	UT	84062	8017854971
65327	DIGIS NETWORKS	1161 W 1080 N		PLEASANT GROVE	UT	84062	8017960202
82267	DIGIS NETWORKS	1161 W 1080 N		PLEASANT GROVE	UT	84062	8017960202
68502	DIGITAL MEMORIES	1293 N 380 E	Moved,	PLEASANT GROVE	UT	84062	0000000000
16675	DIGITAL TECHNOLOGIES INC	959 N SAGE DR	does business at home	PLEASANT GROVE	UT	84062	8017850775
57790	DIGITAL VIDEO INC	1336 N 550 WEST		PLEASANT GROVE	UT	84062	8014872100
10299	DIGITOGRAPHY	348 N 1350 E		PLEASANT GROVE	UT	84062	8017858602
75094	DIZZI CROW INC	1287 W 830 N	O of B, 2 yrs	PLEASANT GROVE	UT	84062	8013620611
04410	DK COMPUTER KEYBOARD SPECI	1227 N 280 W	Moved-Highland	PLEASANT GROVE	UT	84062	8017638660
32452	DME SYSTEMS CONSULTING INC	952 S MAIN ST		PLEASANT GROVE	UT	84062	8017855231
80484	DOCI PIEDMONT LLC	1649 N 350 W		PLEASANT GROVE	UT	84062	8017853893
62118	DOCROCK STONE CHIROPRACTIC	32 S MAIN		PLEASANT GROVE	UT	84062	8017850788
322716	DOLLY MADISON	524 W STATE RD		PLEASANT GROVE	UT	84062	8019662809
71149	DOMINOS PIZZA 7537	397 S MAIN ST		PLEASANT GROVE	UT	84062	7349303632

9/14/01	On Mail List	P.G. Detail	Ledger	Bus Lic	Paid For	Bus Code	Criminal Citation	Admin Citation	Apr 2002	W/Out May 1st	Late Fine
	For 2001		For 2002				Dated served	Dated served			
X	5/1/01, 12/18/01		HO								
X	12/13/00, 1/7/02		HO								
X	5/20/01, 1/10/02		CO					4/21/02 NC			
X	12/21/00, 12/12/01		CO								
X	8/22/01, 12/12/01		HO						X		
									X		
									X		
X	12/17/00, 12/17/01		CO								
X	12/27/00, 12/26/01		CO								
X	7/19/02, 7/19/02		HO								64 24
											54 57
X	12/21/00, 10/5/01		CO								
	9 2 101, 10 890								X		
									X		
	8/23/01, 5/11/02		HO				12/21/01 YES		Y		APPROX 1500.00
X	1/21/01, 7/19/02		HO				4/20/02 NC				53 00
									X		
										X	
X	10/10/01, 12/12/01		HO								
X			HO						X		
X	11/14/01, 12/12/01		HO						X		
									X		
									X		
									X		
X	12/28/00		CO								
X	1/22/01, 1/24/02		HO								
X	11/30/00, 12/18/01		CO								
X	12/11/00, 12/18/01		CO								
X	12/11/00, 12/18/01		CO								
18X	5 After 7/19/02		10HO						18		3
15			920				1	2/ None served			

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

PG. License #	dba name	dba addr	dba city	dba state	dba zip	dba phone
D97334	DON WEST AUTOMOTIVE	345 W 200 S	PLEASANT GROVE	UT	84062	8017853674
E09469	DONNAS MUSIC	803 E 1150 NORTH	PLEASANT GROVE	UT	84062	8017851705
D91494	DOORSTEP CRAFTS & GIFTS	632 S LOCUST AV	PLEASANT GROVE	UT	84062	8017857734
D92338	DOT ADVENTURES	1199 W 700 S	PLEASANT GROVE	UT	84062	8012231302
H03649	DR DUANE F ATKINSON	30 S MAIN ST	PLEASANT GROVE	UT	84062	8017853211
E43619	DR GIBB CO	3670 W 8800 N 338 W 2600 No.	PLEASANT GROVE	UT	84062	8017851530
H04374	DR WILLIAM F ADAMSON DMD	31 W 100 SOUTH	PLEASANT GROVE	UT	84062	8017852821
C72414	DRAPERY SHOP THE	862 E CENTER	PLEASANT GROVE	UT	84062	8017851480
E36172	DRIVETRAIN SPECIALTIES	184 E STATE RD	PLEASANT GROVE	UT	84062	8017683927
E67545	DUPLICATION STATION LLC	766 E 930 N	PLEASANT GROVE	UT	84062	8017850260
E83637	EADS SERVICE LLC	443 E 100 S	PLEASANT GROVE	UT	84062	8017857522
D41891	EDDE MANUFACTURING	610 E 150 S	PLEASANT GROVE	UT	84062	8017854784
E59662	EDGE TECHNOLOGY INC	789 S 1100 E	PLEASANT GROVE	UT	84062	8014347660
E69970	EDIZONE LC	220 N 1300 W 1	PLEASANT GROVE	UT	84062	8017852767
E77584	EGADS DESIGN AND MARKETING	768 E 100 N	PLEASANT GROVE	UT	84062	8019216300
E54463	EKKER GILBERT L	1996 W 680 N	PLEASANT GROVE	UT	84062	8017859664
E44437	ELITE COMPUTER SYSTEMS INC	806 W 550 N	PLEASANT GROVE	UT	84062	8017858684
E67725	ELITE MANAGEMENT INC	310 W 1100 N	PLEASANT GROVE	UT	84062	8012815622
C91166	ELLJER COLLECTABLES	777 E 1150 N	PLEASANT GROVE	UT	84062	8017854136
E35892	ENCHANTING TREASURES	9239 N MAHOGANY DR	PLEASANT GROVE	UT	84062	8017855126
E53269	ESAGE	402 S 100 E	PLEASANT GROVE	UT	84062	8017969595
E52072	EVANS & EVANS INC	752 E 1000 N	PLEASANT GROVE	UT	84062	8017963901
D60040	EVERGREEN CONSERVATION ENT	3932 W 68 NORTH	PLEASANT GROVE	UT	84062	8017857333
E37228	EVERINGHAM DEVELOPMENTS	1403 E 1000 S	PLEASANT GROVE	UT	84064	0000000000
E22653	EVERY DETAIL	564 W STATE RD	PLEASANT GROVE	UT	84062	8017854988
E22112	EXCEL MACHINE INC	655 W 220 S #1	PLEASANT GROVE	UT	84062	8017681446
E69622	EXPERT BLINDS	385 E 200 N 2	PLEASANT GROVE	UT	84062	8017853246
E77535	EXPRESS FLEET SERVICES	792 W 810 N	PLEASANT GROVE	UT	84062	8017960637
E65359	EXTREME TOYS INC	534 E CENTER	PLEASANT GROVE	UT	84062	8017853469
E16750	EZARC WELDING INC	95 W 700 SOUTH	PLEASANT GROVE	UT	84062	8017856338
98434	FAKLEERS OF PLEASANT GROVE	935 S STATE ST	PLEASANT GROVE	UT	84062	0000000000
E58619	FAMILY SPORTS	248 CHERRY HILL DR	PLEASANT GROVE	UT	84062	8017960972
E61924	FAST TRACK OIL INC	715 S MAIN ST	PLEASANT GROVE	UT	84062	8014898030
E73588	FAUSETT LISA F	1231 E 400 S	PLEASANT GROVE	UT	84062	8017955790
E59177	FAVORS & FLAVORS	1042 E 490 N	PLEASANT GROVE	UT	84062	8017967776

On-site List	P.G. Retail	Leader	Bus Lic	Paid For	Bus Code	Criminal	Citation	Admin	Citation	On-site	Lat Fine
1/1/01	For 2001	For 2002									
X					CO						
X	12/1/00, 1/24/02				CO						
X	12/10/00, 12/12/01				CO						
X	1/2/01, 12/26/01				HO						
X	12/2/00				CO						
X	12/25/00, 12/26/01				HO						
X	12/14/00, 1/23/02				HO						
X	3/23/01, 1/30/02				CO						
X	1/7/01,				HO						
X	1-28-00, 12/26/01				CO						
X	1/3/01, 1/29/02				HO						
X	4/24/01, 1/28/02				HO						56.00
X	12/20/00, 12/18/01				CO						
X	1/3/01,				HO						
X	12/13/00, 12/18/01				COB						
X					HO						
16X 19	1 After 7/19/01				8 Ho 7 CO 1 COB						

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

ayl acct	dba-name	dba-addr1	dba-city	dba-state	dba-zip	dba-phone
E64621	FIBERLITE TECHNOLOGIES INC	377 W CENTER	PLEASANT GROVE	UT	84062	8017967077
339919	FIGURETTS	545 S 1300 EAST	PLEASANT GROVE	UT	84062	0000000000
343034	FINLAYSON FRAME COMPANY	1044 N 1300 W	PLEASANT GROVE	UT	84062	8017856617
321182	FIRST SECURITY BANK OF UTA	66 S MAIN	PLEASANT GROVE	UT	84062	0000000000
E08982	FITZGERALD STERLING S #1060	906 E 900 S	PLEASANT GROVE	UT	84062	8012210475
E80856	FLAGSHIP BUSINESS SOLUTION	725 W 1160 N	PLEASANT GROVE	UT	84062	8019790105
352260	FLINDERS PUBLICATIONS	9784 N 4000 WEST	PLEASANT GROVE	UT	84062	0000000000
364211	FLOWER PATCH THE	354 E 200 S	PLEASANT GROVE	UT	84062	8017852289
D61571	FOIL CHARLES H	555 S 1300 EAST	PLEASANT GROVE	UT	84062	8017853645
E70878	FUN TRIPS	1074 E 490 N	PLEASANT GROVE	UT	84062	8017850534
E48931	GANDOLFOS DELI	715 S MAIN	PLEASANT GROVE	UT	84062	8014921330
D40590	GARTH MEADE GROWERS	9550 N CANYON RD	PLEASANT GROVE	UT	84062	8017857880
E16935	GARY NEIBAUR CONSULTING #1480	803 E 1150 N	PLEASANT GROVE	UT	84062	8017859260
E19565	GARYS AUTO BODY	360 N 600 W	PLEASANT GROVE	UT	84062	8017851182
D54325	GAYLORDS	1935 N 820 W	PLEASANT GROVE	UT	84062	8017857832
D94220	GCI DIST CO	445 N 745 E	PLEASANT GROVE	UT	84062	8017859359
E70197	GENERAL MAINTENANCE SERVIC	1081 N MURDOCK DR	PLEASANT GROVE	UT	84062	8017968038
C31806	GENERAL NUTRITION CORPORAT	600 S STATE ST 106	PLEASANT GROVE	UT	84062	8012884662
E72627	GET IN THE GAME INC	336 E STATE	PLEASANT GROVE	UT	84062	8017967005
E02028	GINAS PAMPERED PETS	1299 W STATE RD	PLEASANT GROVE	UT	84062	8017852517
C35261	GLOBAL COATINGS INC	200 W 700 S	PLEASANT GROVE	UT	84062	8017853595
E43474	GOLD TIP CORPORATION	140 S MAIN ST STE 3	PLEASANT GROVE	UT	84062	8017968666
D74428	GOOSSES KART SHOP	620 S 1550 EAST	PLEASANT GROVE	UT	84062	8017857201
E09335	GOPHER MACHINE	1506 N 1520 WEST	PLEASANT GROVE	UT	84062	8017851200
E78901	GRAB A BITE	523 N 900 E	PLEASANT GROVE	UT	84062	8013602634
E56228	GRANDMA JANES BABY QUILTS	1484 N 1520 W	PLEASANT GROVE	UT	84062	8017858553
D27714	GRANGE LINDA AND GRANGE GO	1586 N 1520 W	PLEASANT GROVE	UT	84062	8014233963
D97680	GREAT BASIN BEVERAGE AND D	326 W 200 SOUTH	PLEASANT GROVE	UT	84062	8017850430
E47983	GREAT CLIPS OF PLEASANT GR	238 E STATE RD STE 1	PLEASANT GROVE	UT	84062	8017852740
E80774	GREEN PEANUTS MARKETING	1803 W 800 N	PLEASANT GROVE	UT	84062	8017967895
D47689	GREYHOUND LINES INC	10 S MAIN ST	PLEASANT GROVE	UT	84062	2147708680
E31567	GROVECREST ELEMENTARY SCHO	200 E 1100 N	PLEASANT GROVE	UT	84062	8017568400
E73560	GT FOODS LLC	580 W STATE ST	PLEASANT GROVE	UT	84062	8015603945
D69290	GUARDIAN ANGEL GIFTS	155 N MAIN ST	PLEASANT GROVE	UT	84062	8017966035
E61708	GURRS COPY TEC	185 W 200 S	PLEASANT GROVE	UT	84062	0000000000

On Mail List	P.G. Detail	Leads	Bus Lic	Paid For	Bus Code	Citaining	Citation	Admin	Citation	Defe 300k	Not on Mail	Late Fine
For 2001	For 2002											
X 7/17/01					CO							79.53
								X				
	12/5/00							X				
								X				
								X				
								X				
								X				
	12/20/00, 1/3/02							X				
								X				
X 12/6/00, 4/8/02					CO			X				79.53
								X				
								X				
X 1/3/01, 1/2/01					CO							
X 1/11/01, 2/2/02					CO							
X 1/17/01, 4/17/02					CO			X				
X 1/24/00, 1/3/02					CO							
X 12/6/00, 12/12/01					CO							
								X				
	5/17/02							X				
X 12/27/00, 1/24/02					HO							
X 12/13/00, 1/23/02					HO							
								X				
								X				
X 12/27/00, 1/2/02					CO							
								X				
								X				
4/25/01, 2/27/02												
X 1/23/01					CO			X				
								X				
X 12/17/01					CO							
12X 23	8 Affc 7/19/01				2HO 10CO			3 Nonp Surm		17	3	2

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

key acct	dba name	dba addr	dba city	state	dba zip	dba phone
D37963	H & S AUTO REPAIR	683 W STATE RD	PLEASANT GROVE	UT	84062	8017967662
E72085	HAIR BY DESIGN	1467 E 1000 S	PLEASANT GROVE	UT	84062	8017856695
E61282	HALLS CONDER MICHELLE	110 E 200 S 1	PLEASANT GROVE	UT	84062	8017854155
E33855	HANDMADE BY HEATHER	321 W 1650 N	PLEASANT GROVE	UT	84062	8017960688
E16470	HAPPY VALLEY SNACKS	1729 N 1520 W	PLEASANT GROVE	UT	84062	8017858601
D90394	HARLEY DONNA L	351 E 1000 N	PLEASANT GROVE	UT	84062	0000000000
E41151	HAYES NATALIE	967 N 1010 W	PLEASANT GROVE	UT	84062	8017960441
D30994	HDM SYSTEMS	1120 N 530 WEST	PLEASANT GROVE	UT	84062	8012242414
E55993	HEALTH COURT	1528 N 390 W	PLEASANT GROVE	UT	84062	8017960737
E23681	HEART TO HEART CREATIONS	1430 W 1100 N	PLEASANT GROVE	UT	84062	8017857264
D50554	HEARTS & FLOWERS	2373 N 600 W	PLEASANT GROVE	UT	84062	8017854059
E27043	HEIRLOOM ART AND FRAME	688 N 1550 W	PLEASANT GROVE	UT	84062	8017966350
E71468	HEKELA INC	2525 N 600 W	PLEASANT GROVE	UT	84062	8017965828
E12932	HERBS FOR HEALTH OF PLEASA	115 E CENTER ST	PLEASANT GROVE	UT	84062	8017857950
D09890	HERITAGE HOME ORIGINALS	4273 W MANILA CREEK	PLEASANT GROVE	UT	84062	8017858046
E38088	HERITAGE IMPRESSIONS	120 S 300 E	PLEASANT GROVE	UT	84062	8017852302
E70046	HIGH COUNTRY PERFORMANCE	905 N 500 E	PLEASANT GROVE	UT	84062	8017854795
E68084	HOGI YOGI TERIYAKI STIX OF	278 E STATE RD	PLEASANT GROVE	UT	84062	8017960900
E42832	HOLDAWAY ENTERPRISES	690 N 300 E	PLEASANT GROVE	UT	84062	8017856054
C49980	HOLLIS MFG CO	575 S 1500 EAST	PLEASANT GROVE	UT	84062	0000000000
E79278	HOLMSTEAD CONSTRUCTION LC	405 N 600 W	PLEASANT GROVE	UT	84062	8017965965
E19598	HOMES COMPLETE LLC	1360 W STATE RD	PLEASANT GROVE	UT	84062	8017853718
E81820	HOMETECH SOFTWARE INC	1416 W STATE	PLEASANT GROVE	UT	84062	8017966200
E53752	HONES WOODCRAFT LLC	319 E ST RD	PLEASANT GROVE	UT	84062	8017852934
E63654	HOP SHOP	1272 N 530 W	PLEASANT GROVE	UT	84062	8017856372
D98289	HUBCAPS ON WHEELS	450 E STATE	PLEASANT GROVE	UT	84062	8017854618
D37866	HYDRO TECH	1140 E 100 N	PLEASANT GROVE	UT	84062	8017855232
E47349	IDEAL CARPET CLEANING	1647 W GARDEN DR	PLEASANT GROVE	UT	84062	8017852355
E79313	IDREAMOFBABY COM	1179 W 1080 N	PLEASANT GROVE	UT	84062	8017853923
E23589	IMAGETEK LC	499 E 1000 S	PLEASANT GROVE	UT	84062	8013254009
E42811	IMPRESSIONABLES	975 N 400 E	PLEASANT GROVE	UT	84062	8017968007
E74523	INCLIPZ GRAPHICS	1573 E BLACKHAWK DR	PLEASANT GROVE	UT	84062	8017850944
E72414	INSPIRATIONS FOR LIFE INC	155 N 100 W	PLEASANT GROVE	UT	84062	8013764270
E72244	INSPIRED JOURNEY	877 N 1420 W	PLEASANT GROVE	UT	84062	8017960407
D68606	INTEGRIS	280 S MAIN 200	PLEASANT GROVE	UT	84062	8017562767

Detail List	PG	Detail	Lead	Bus Lic	Paid For	Bus Code	Criminal	Citation	Adm	Citation	On 6/30/01	Bus on Any Lic	Late Fine
X	12/13/00	12/13/01	CO										
	12/13/00							X					
	1/2/01							X					
	11/7/01	12/12/01						X					
								X					
								X					
X	11/28/00		HO						X				
										X			
										X			
X	3/8/01	2/18/01	CO							X			
										X			
X	1/14/01	1/3/02	HO										
X	1/18/01	1/24/02	CO										
										X			
X	12/5/00	1/3/02	CO						X				
									X				
									X				
X	12/27/00	1/3/02	CO						X				
										X			
	11/28/00								X				
X	2/9/01		HO								X		
X	1/17/01	1/3/02	HO										
X	1/1/01		HO						4/15/01	No			
										X			
X	6/1/01	4/9/02	HO						4/15/01	No			5150
X	1-10		HO						4/15/01	No			
											X		
12X	0 Aff	7/19/01	7HO						3/12	9			1
23			SCO						None	Sur			

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

acct	dba name	dba addr	dba city	dba state	dba zip	dba phone
50	INTERIORS BY TIFFANY	835 N 350 E	PLEASANT GROVE	UT	84062	8015838358
66	INTERMOUNTAIN YELLOW PAGES	402 S 1210 E	PLEASANT GROVE	UT	84062	8017967560
75	IVAN WALKER INC	456 E STATE RD	PLEASANT GROVE	UT	84062	8017853571
50	J & N AUTO DETAILING	985 N 100 E	PLEASANT GROVE	UT	84062	8017961758
57	J & W SNACKS UNLIMITED	817 E 1100 NORTH	PLEASANT GROVE	UT	84062	8017858862
04	JACKMAN AUDIO VIDEO	829 E 1100 N	PLEASANT GROVE	UT	84062	8017963664
50	JACKMAN ELECTRONICS	3 E CENTER	PLEASANT GROVE	UT	84062	8017852894
18	JACOBSEN MICHAEL #1261	859 E 900 S Licensed & Active Salesperson	PLEASANT GROVE	UT	84062	8017960558
09	JANAS CUSTOM FLORALS	1045 E 1010 N	PLEASANT GROVE	UT	84062	8017857293
60	JANS PORCELAIN DOLLS	9472 N CANYON RD	PLEASANT GROVE	UT	84062	8017853210
90	JARVIS JOHN B #7-8	1355 E 250 NORTH	PLEASANT GROVE	UT	84062	8017854714
03	JASON T BLACKHAM DMD INC	31 W 100 SOUTH A	PLEASANT GROVE	UT	84062	8017852631
94	JEEP SAFE	781 N DALTON	PLEASANT GROVE	UT	84062	8013628888
21	JENSEN PUBLICATIONS	1155 E 30 S	PLEASANT GROVE	UT	84062	8017854582
56	JEPPERSON DENNIS	1855 W 1100 NORTH	PLEASANT GROVE	UT	84062	8017563913
76	JEREMY C LARSON	976 E 1000 N	PLEASANT GROVE	UT	84062	8017851361
20	JEWELRY DIRECT INTERNATIONAL	872 E 1250 N	PLEASANT GROVE	UT	84062	8017858605
67	JKG DISTRIBUTING LLC	1668 W GARDEN DR	PLEASANT GROVE	UT	84062	8017960943
14	JKM CONSULTING	540 E 700 N	PLEASANT GROVE	UT	84062	8017853011
32	JOCELYNS	671 S 1600 E	PLEASANT GROVE	UT	84062	8017855463
45	JOHNSON HEIDI H	674 S 1250 E	PLEASANT GROVE	UT	84062	8017858850
42	JOLLEY GRAPHIC PRODUCTIONS	1325 E 900 S	PLEASANT GROVE	UT	84062	8013760376
183	JONATHAN DAVID SALON INC	53 S MAIN ST	PLEASANT GROVE	UT	84062	8017856363
165	JONATHAN DAVIDS SALON	53 S MAIN ST	PLEASANT GROVE	UT	84062	8017856363
351	JOYS LEARNING PROGRAM	1119 E 30 S	PLEASANT GROVE	UT	84062	8017850710
196	JP ASSOCIATES	3905 W 9850 N	PLEASANT GROVE	UT	84062	8017856027
110	JUDYS ROYAL VICTORIAN	105 S 100 E	PLEASANT GROVE	UT	84062	8017851817
368	JUNIPER VIDEO PRODUCTIONS	717 S 1100 E	PLEASANT GROVE	UT	84062	8017968280
143	K & A VALLEJO	576 W 1800 N	PLEASANT GROVE	UT	84062	8014264851
359	K & V CORPORATION	670 W STATE RD	PLEASANT GROVE	UT	84062	8017857215
254	KARLA KIMS KREATIONS	918 W 2200 N	PLEASANT GROVE	UT	84062	8017963651
329	KC GIFT GALLERY	670 S MAHICAN LN	PLEASANT GROVE	UT	84062	8013733535
862	KC MANUFACTURING & SALES I	909 W STATE RD	PLEASANT GROVE	UT	84062	8017853345
085	KENWAL INDUSTRIES	175 N 850 EAST	PLEASANT GROVE	UT	84062	8017855910
859	KEY PRODUCTS LLC	1159 N 950 E	PLEASANT GROVE	UT	84062	8018593412

On/Off List	P.G. Detail	Ledger	Bus. Lic	Paid For	Bus Code	Criminal	Citation	Adm. Fee	On/Off	Notes	Lat. Fine
For 2001	For 2002										
X	12/13/00, 12/17/01	HO									
	12/5/00, 12/12/01								X		
	2/5/01, 12/26/01										
X	4/1/01, 1/3/02	HO									
	9/21/01, 12/18/01								X		
									X		
X	12/14/00, 12/12/01	CO									
X		HO							X		
									X		
									X		
									X		
X	12/12/01	CO									
									X		
									X		
									X		
X	12/27/00, 12/26/01	HO									
									X		
X	2/27/00, 1/13/02	HO									
X	1/10/01, 12/11/01	CO									
X	1/3/01, 3/20/02	CO									
									X		
	9/6/01, 1/24/02								X		
X	12/27/00, 12/2/01	CO									
X	8/22/01, 1/12/02	HO							X		
X		HO									
X	11/28/00, 12/18/01	COA									
									X		
X		HO									
X	12/11/00, 12/18/01	CO									
X	12/10/00, 1/13/02	HO									
X	4/24/01, 12/12/01	CO									
17X	3 After 1/10/01	9HO 7CO 1COA							None Served	16	

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

acct	dba name	addr1	dba city	state	zip	dba phone
844	KILLIANS WATERFALL AVIARIE	542 W 2600 N	PLEASANT GROVE	UT	84062	8017854879
867	KONSIGNED KAR KORNER	660 W STATE	PLEASANT GROVE	UT	84062	8017859108
497	KR TECHNOLOGIES	954 W 900 N	PLEASANT GROVE	UT	84062	8012265033
1011	L & T TRAINERSHIP INC	140 N 1050 E	PLEASANT GROVE	UT	84062	8012563526
100	L NATURELLE	431 E 500 S	PLEASANT GROVE	UT	84062	8017852015
808	LANMARK INTERNATIONAL # 1173	399 E STATE RD	PLEASANT GROVE	UT	84062	8017969555
199	LARSEN NEWELL J	991 GROVECREEK DR	PLEASANT GROVE	UT	84062	8017853959
1040	LARSONS ORNAMENTAL IRON	225 E STATE RD	PLEASANT GROVE	UT	84062	0000000000
214	LARSSON CONTRACTING	1214 W 1080 N	PLEASANT GROVE	UT	84062	8017969729
882	LAS JAIBAS RESTAURANT INC	334 E STATE ST	PLEASANT GROVE	UT	84042	0000000000
666	LASERS NOW	1584 E BLACKHAWK DR	PLEASANT GROVE	UT	84062	8017858898
757	LAW ENFORCEMENT SERVICES	500 S MELANIE LN	PLEASANT GROVE	UT	84062	8017850436
2691	LEISAS LINES	315 N 1050 E	PLEASANT GROVE	UT	84062	8017968212
5615	LENNIS A JONES ILLUSTRATIO # 538	1685 E 1000 SOUTH	PLEASANT GROVE	UT	84062	7028717025
4204	LEWIS ENTERPRISES	1419 W 540 N	PLEASANT GROVE	UT	84062	8013750311
2455	LIFESOURCE LLC	655 W 220 S	PLEASANT GROVE	UT	84062	8017639280
8564	LITTLE CAESARS PIZZAR # 4444	318 E STATE	PLEASANT GROVE	UT	84062	3139836000
2833	LITTLE FARM	993 W 1800 N	PLEASANT GROVE	UT	84062	8017857416
8004	LITTLE LONDON	20 S MAIN	PLEASANT GROVE	UT	84062	8017855679
0992	LITTLE MOUNTAIN RECREATION	928 E 430 N	PLEASANT GROVE	UT	84062	8017853975
6040	LITTLE ROMANCE A	685 S MOHAWK	PLEASANT GROVE	UT	84062	8017850729
0550	LIVE SOIL FARM	1255 W 2600 N	PLEASANT GROVE	UT	84062	8017963498
5228	LIZARD SKINS MARKETING	25 W CENTER ST	PLEASANT GROVE	UT	84062	8017857546
9610	LKC AUTOMOTIVE	184 E STATE RD	PLEASANT GROVE	UT	84062	8017855671
7154	LLOYDS CATERING	131 N 900 E	PLEASANT GROVE	UT	84062	8017853029
0537	LOGO PROMOTIONS	1342 W STATE RD	PLEASANT GROVE	UT	84062	8012263932
8119	LONNIES CLEANERS	210 E 700 S	PLEASANT GROVE	UT	84062	8012251749
8784	LOVIN MEMORIES	420 E CENTER	PLEASANT GROVE	UT	84062	8017851229
1783	LUNG AUTOMOTIVE	215 N 600 W	PLEASANT GROVE	UT	84062	8017960995
4888	LUU LLC	426 E STATE RD	PLEASANT GROVE	UT	84062	8012229409
2864	LYCEUM THE	980 E GROVE CREEK DR	PLEASANT GROVE	UT	84062	8014659402
1863	LYERS CREAM	599 E 1030 N	PLEASANT GROVE	UT	84062	8017851836
10064	MADISON SUSAN	795 S LOADER AVE	PLEASANT GROVE	UT	84062	8017858922
24798	MAGNUM EQUIPMENT CORP	135 W CENTER	PLEASANT GROVE	UT	84062	8017859705
37750	MAGNUM MANUFACTURING CORP	575 W 220 S	PLEASANT GROVE	UT	84062	8017859700

[illegible]

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

4/4/01	Detail List	P.G. Detail	Ledger	Bur. Lic	Paid for	Bur. Code	Criminal Citation	Admin. Citation	2 Pgs. 2001	Not on Index	Late Fine
For 2001			For 2002				After 5/1/01				
X	12/28/00, 1/3/02		CO					X			
								X			
									X		
X	1/4/01, 1/24/02		HO								
X	3/5/01		CO					X			
X	1/9/01, 1/23/02		COB					X			
									X		
									X		
									X		
								X			
X	12/20/00, 12/18/01		CO						X		
X	12/12/01		HO								
X	1/7/01		CO					X			
								X			
X			HO						X		
	12/12/01, 12/12/01							X			
	10/26/01, 3/25/02							X			
								X			
X	12/19/00, 12/12/01		HO						X		
								X			
								X			
X	2/20/01, 3/6/02		HO					X			
X	12/13/00, 1/24/02		CO					X			
								X			
								X			
11X	2 After 7/19/01		5HO 5CO 1COB					X			
24									15	9	

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

id	acct	dba_name	dba_addr1	dba_city	state	zip	dba_phone
59061		NFSCO SERVICES LC	1005 S MAIN ST	PLEASANT GROVE	UT	84062	8017853152
92315		NIBLEY ENTERPRISES	880 S 1450 E	PLEASANT GROVE	UT	84062	8017967303
00398		NIELS FUGAL SONS CO	1005 S MAIN ST	PLEASANT GROVE	UT	84062	8017853152
72093		NUNES ANTONIO J	738 E 1000 N	PLEASANT GROVE	UT	84062	8017963730
13864		NYDB INC	751 W 2100 N	Out of Bus PLEASANT GROVE	UT	84062	2068031004
19625		OBISPO TRADING INTERNATION	978 E GROVE DR	PLEASANT GROVE	UT	84062	8017969555
38999		OBRIEN CONCRETE PUMPING CO	990 S MAIN ST	PLEASANT GROVE	UT	84062	8017968036
31853		OLEA	277 S LOCUST AVE	PLEASANT GROVE	UT	84062	8017854321
26018		OLPIN DESIGN	494 S 300 EAST	PLEASANT GROVE	UT	84062	8017859363
31371		OLPIN MORTUARY OF PLEASANT	494 S 300 EAST	PLEASANT GROVE	UT	84062	8017853503
73707		ORGANIZE PLUS	378 E 1590 N	PLEASANT GROVE	UT	84062	8017851158
34108		PACKER ENTERPRISES	913 S 1320 E	PLEASANT GROVE	UT	84062	8017968866
51224		PAHIA NORMA JL	912 W 550 N	PLEASANT GROVE	UT	84062	8017960235
35381		PAINTERS DEN	1120 N 530 WEST	PLEASANT GROVE	UT	84062	8012242414
15285		PALMER KIRT A	1246 W 3420 N	PLEASANT GROVE	UT	84062	8017565781
40120		PAMS FLORAL GARDEN & DESIG	3652 N 1150 W	PLEASANT GROVE	UT	84062	8017851716
38786		PAPA JOHNS PIZZA #2182	238 EAST STREET RD #	PLEASANT GROVE	UT	84062	0000000000
27895		PARAGON SYSTEMS	1069 W 810 N	PLEASANT GROVE	UT	84062	0000000000
73807		PARKER PAUL	494 N 990 E	PLEASANT GROVE	UT	84062	8012787850
71956		PARTS UNLIMITED INC	580 W STATE	PLEASANT GROVE	UT	84062	4352577898
78293		PATCHWORK JUNCTION	882 W 550 N	PLEASANT GROVE	UT	84062	8017960365
32854		PATCHWORKS N PAPER	952 W 810 N	PLEASANT GROVE	UT	84062	8017858335
08079		PEACOCK GRAPHICS	770 E 1150 NORTH	PLEASANT GROVE	UT	84062	8017857418
79141		PEAK DENTAL DESIGN	348 E 1500 N	PLEASANT GROVE	UT	84062	8017961348
56302		PEAK MARKETING	1071 N 500 W	Deleted PLEASANT GROVE	UT	84062	8017969357
39398		PELAYOS CATERING SERVICE	558 W 1420 N	PLEASANT GROVE	UT	84062	8017968492
75567		PERFORMANCE EDGE INC THE	1336 N 550 W	PLEASANT GROVE	UT	84062	8017858661
50811		PERFORMANCE MACHINE	655 W 220 S # 19	PLEASANT GROVE	UT	84062	8017853121
32505		PERSONAL THREADS	255 N 300 E	PLEASANT GROVE	UT	84062	8017853885
38677		PETERSON OREN V PETERSON S	1250 W 2600 NORTH # 1006	Under - Inc Sun PLEASANT GROVE	UT	84062	8017854095
31256		PG PRINTERS OF PLEASANT GR	11 S MAIN ST	PLEASANT GROVE	UT	84062	8017853111
13882		PG TRUCKING	935 N 400 E	PLEASANT GROVE	UT	84062	8017854785
38828		PICK ME FLOWERS	1382 W 3540 N	The Shop Around The Corner PLEASANT GROVE	UT	84062	8017857310
41247		PIECE GOODS	460 W STATE	PLEASANT GROVE	UT	84062	0000000000
57713		PIECEMAKERS INC	295 W 200 S	PLEASANT GROVE	UT	84062	8017852445

On-call List	P.G.	Detail	Leadcar	Bus Lic	Paid For	Bus Code	Criminal	Cit's Prior	Adm'n	Citation	On PG-1000's	Not on Detail	Lat & R.
4/4/01	for 2001	for 2002											
X	12/29/00, 5/24/02		HO				9/5/01	No	X				3.00
X	1/22/00, 1/30/02		CO						X				
									X				
									X				
									X				
									X				
X	12/27/00		HO				4/15/01	No					
X			HO										
X	12/13/00, 4/7/02		CO						X				
	?, 1/7/02								X				
X	12/17/00, 12/24/01		HO						X				
									X				
									X				
X	1/25/01, 1-18-01		HO						X				
									X				
									X				
X	" 2-20-01, 1/24/02		CO						X				
									X				
X	2/1/01, 4/16/02		HO				4/15/01	No					
X	2/1/01, 1/24/02		HO						X				
X	12/27/00, ? 2-2-02		HO										
X	3/6/01, 2-20-01		HO						X				
	" 1/24/02								X				
X	3/2/01, 12/12/01		HO						X				
X	1/29/01, 1/24/02		CO										
X	12/19/00, 1/24/02		CO										
15X 20	# After 7/19/01		10 HO 5 CO				3/	Home Served	13	7			1

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

id	dba name	dba addr	dba city	dba state	dba zip	dba phone
85463	PIONEER HARDWOOD FLOORING	895 W 900 N	PLEASANT GROVE	UT	84062	8013760708
55644	PK PROPERTY ENTERPRISES	750 E 1100 N	PLEASANT GROVE	UT	84062	8013682349
92598	PLEASANT GROVE	225 S MAIN	PLEASANT GROVE	UT	84062	8019748876
22509	PLEASANT GROVE AERIE 3372 #179	200 N 600 WEST	PLEASANT GROVE	UT	84062	8017859091
73489	PLEASANT GROVE AUTO AND RV	445 E STATE	PLEASANT GROVE	UT	84062	8017850700
48154	PLEASANT GROVE CITY	70 S 100 E	PLEASANT GROVE	UT	84062	8017855045
20827	PLEASANT GROVE COIN & STAM	591 E 200 N	PLEASANT GROVE	UT	84062	8017858184
53381	PLEASANT GROVE HARTS	45 W CENTER	PLEASANT GROVE	UT	84062	8017569681
40120	PLEASANT GROVE JUNIOR HIGH	810 N 100 EAST	PLEASANT GROVE	UT	84062	8017858707
48154	PLEASANT GROVE RECREATION	315 S LOCUST AVE	PLEASANT GROVE	UT	84062	8017855045
47076	PLEASANT GROVE SENIOR HIGH	700 E 200 SOUTH	PLEASANT GROVE	UT	84062	8017853515
69008	PLEASANT GROVE UPHOLSTERY	10 W CENTER	PLEASANT GROVE	UT	84062	8017963407
40531	POOL HALL TAVERN	15 E CENTER	PLEASANT GROVE	UT	84062	8017859001
02465	PRAIRIE DREAMS	247 S CHERRY HILL DR	PLEASANT GROVE	UT	84062	8017980142
70643	PRECISION DENTAL CERAMICS	784 S 1100 E	PLEASANT GROVE	UT	84062	8017852673
34690	PRECISION SCREEN PRINTING	516 W INDUSTRIAL DR	PLEASANT GROVE	UT	84062	8017851609
80335	PREMIER TIRES	445 E STATE ST	PLEASANT GROVE	UT	84062	8013687656
26150	PRIDE SIGNS	478 W INDUSTRIAL DR	PLEASANT GROVE	UT	84062	8017569827
39525	PRINT MEDIA CONSULTANTS	614 N 1370 W	PLEASANT GROVE	UT	84062	8018602041
41944	PRO CASES INC	1634 N 150 E	PLEASANT GROVE	UT	84062	8017855400
53098	PRO FAB & WELDING	700 S 225 W	PLEASANT GROVE	UT	84062	8017850637
86082	PROFESSIONAL HEATING & AIR	396 S 100 E	PLEASANT GROVE	UT	84062	8017853007
30659	PROFESSIONAL OFFICE SOLUTI	25 N 840 E	PLEASANT GROVE	UT	84062	8017661205
63360	PROMOTIONAL ROTICS	1040 E GROVE CIR	PLEASANT GROVE	UT	84062	8017859216
75001	PROVING GROUNDS INC	363 W INDUSTRIAL DR	PLEASANT GROVE	UT	84062	8017858345
07210	PS ENGINEERING	9861 N 4000 WEST	PLEASANT GROVE	UT	84062	8017857038
95068	PURE AND SIMPLE	324 E 900 N	PLEASANT GROVE	UT	84062	8017853742
67305	PURPLE TURTLE INC	85 E STATE RD	PLEASANT GROVE	UT	84062	8017852458
07760	PYNE SPECIALTIES	1360 W STATE RD	PLEASANT GROVE	UT	84062	8013748924
06790	QUEST INC	02 N 1300 EAST	PLEASANT GROVE	UT	84062	8017852983
22480	R & D ENTERPRISES	880 E GROVECREEK DR	PLEASANT GROVE	UT	84062	8017853782
05468	R & S MARKETING	1176 N 380 E	PLEASANT GROVE	UT	84062	8017856324
42498	RA VAN VENDING	1978 N 820 W	PLEASANT GROVE	UT	84062	8017855541
82101	RALEEN C WOFFINDEN	214 S MAIN	PLEASANT GROVE	UT	84062	8017858318
86586	RAYS	380 S 300 EAST	PLEASANT GROVE	UT	84062	8013556500

On-Site List	P.G. Detail	Ledger	Bus. Lic. Paid For	Bus. Code	Drinking Cita tion	Adm. Cita tion	On-Site 2000	Water Analyst	Late Fee
4/4/01	For 2001	For 2002			Date Received				
							X		
							X		
							X		
							X		
X	5/7/01, 1/24/02		CO				X		
							X		
							X		
							X		
							X		
X	?	4/24/02	CO		4/24/02				77.25
X	2/5/01, 1/3/02		COAB				X		
X	12/1/00, 9/12/01		HO						
X	1/7/01, 1/23/02		CO						
X	2/16/01, 12/18/01		CO						
X	1/3/01, 1/24/02		CO						
							X		
							X		
X	12/5/00, 1/3/02		CO						
X	12/15/00, 12/12/01		CO						
X	12/22/00, 1/30/01		HO						
							X		
X	1/3/01, 1/3/02		CO						
							X		
X	12/13/00, 1/3/02		CO						
							X		
							X		
							X		
X	1/3/01, 2/2/02		CO						
13X EX 18	0 Aff. 7/19/01		2HO 9CO 1COA 1COAB		1/1/01	11	11	1	

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

cd	dba_name	dba_addr1	dba_city	dba_state	dba_zip	dba_phone
73	REAL PELAYOS	636 E 150 S	PLEASANT GROVE	UT	84062	8017967822
40	REDDEKOPP INVESTMENT LC #1273	492 S 250 W	PLEASANT GROVE	UT	84062	8012248617
09	REFLECTIONS OF THE HEART	330 S MAIN ST	PLEASANT GROVE	UT	84062	8017968655
85	RENETTES TAILOR SHOP	521 W 850 N	PLEASANT GROVE	UT	84062	8017854932
24	RENSLOWS CONSULTING	871 E 1250 N	PLEASANT GROVE	UT	84062	8013681840
12	RESSLER LEANN P	655 LOADER DR	PLEASANT GROVE	UT	84062	8017857180
33	RESTORADENT LABORATORY	315 S MAIN	PLEASANT GROVE	UT	84062	8012263457
28	RICH DESIGNS	660 S 1550 E	PLEASANT GROVE	UT	84062	8017858060
07	RICHARDS BEARD & RICHARDS #269	55 E CENTER	PLEASANT GROVE	UT	84062	8017852500
47	RICKS CAR CARE	215 N 600 W	PLEASANT GROVE	UT	84062	8017983539
76	RIMROCK PRODUCTIONS	9784 N 4000 WEST	PLEASANT GROVE	UT	84062	8017854375
35	RIPN GRAPHICS AND DESIGN	330 N 400 E	PLEASANT GROVE	UT	84062	8017969765
99	RK INDUSTRIES LC	655 W 220 S 6	PLEASANT GROVE	UT	84062	8013676163
71	RLG ENTERPRISE	625 S 1250 E	PLEASANT GROVE	UT	84062	8017855327
79	ROBERT AND VOLOY BOWERS	400 S 300 E	PLEASANT GROVE	UT	84062	8017854509
42	ROBERTS BEAUTY SALON	70 E STATE RD	PLEASANT GROVE	UT	84062	8017852871
58	ROBERTS CHIROPRACTIC	1346 W STATE RD	PLEASANT GROVE	UT	84062	8017859517
76	ROBINSON JOYCE	885 S 700 E	PLEASANT GROVE	UT	84062	8019423317
60	ROCKY MOUNTAIN COLLISION &	695 W STATE RD	PLEASANT GROVE	UT	84062	8017852020
76	ROCKY MOUNTAIN WELDING & F	700 S 225 W	PLEASANT GROVE	UT	84062	8017854371
52	ROGERS BONNIE L	980 SAGE DR	PLEASANT GROVE	UT	84062	8017854142
18	ROMAN WAY BARBER & STYLIST	1 E CENTER ST	PLEASANT GROVE	UT	84062	8012252528
67	ROMANCING THE HEART	440 E 300 NORTH	PLEASANT GROVE	UT	84062	8017856410
43	ROSEBUD ANTIQUES	15 S MAIN ST	PLEASANT GROVE	UT	84062	8017960108
13	ROYAL WEST MARTIAL ARTS IN	1100 E 900 S	PLEASANT GROVE	UT	84062	8013762241
71	ROYS SHARPEN ALL	840 N 400 EAST	PLEASANT GROVE	UT	84062	8017853275
57	RPG INC	371 E 500 S	PLEASANT GROVE	UT	84062	8017855012
51	RUSTIC WOOD DESIGN	287 W CENTER ST	PLEASANT GROVE	UT	84062	8017857646
48	S & J AUTOMOTIVE INC	285 W 200 S	PLEASANT GROVE	UT	84062	8017854094
38	S & S BUILDERS HARDWARE	1120 E NATHANIEL DR	PLEASANT GROVE	UT	84062	8018096374
46	SADERUP BRUCE R	4685-N-1520 W	PLEASANT GROVE	UT	84062	0000000000
40	SAFETY FIRST	483 E 820 S	PLEASANT GROVE	UT	84062	8016368667
32	SAFFIRE CORP	754 W 700 S	PLEASANT GROVE	UT	84062	8017853016
14	SAGE RECORDS	1897 N 900 W	PLEASANT GROVE	UT	84062	8012266848
46	SALON REFLECTIONS INC	44 S 850 E	PLEASANT GROVE	UT	84062	8017850158

34/01	Detail List P.G. Detail	Leader	Bus LG	Paired For	Bus Code	Criminal City & Prior	Adm in C. & T. Prior	DPG 2000	Station Available	Late Fine
for 2001	for 2002					Date Served				
								X		
								X		
X	1/10/01 1/31/02	HO							X	
	0/6/01, 1/3/02						X			
	0/6/01						X			
	9/10/01, 1/30/02							X		
X	12/24/00, 12/18/01	CO					X			
	11/2/01, 3/25/02									
	2/8/01, 1/23/02									
							X			
X	1/14/01, 1/24/02	CO								
X	1/12/00	HO								
							X			
X	1/16/01 12/24/01	CO								
X	P 12/26/01	CO				4/15/02 NO			91 47	
	12/19/00 12/26/01						X			
X	12/28/00, 12/12/01	CO Auto								
	12/21/00, 12/26/01	CO								
							X			
X	1/16/01 1/3/02	CO							X	
X	1/2/01, 1/24/02	CO								
							X			
X	12/17/00 1/24/02	HO								
							X			
							X			
X	1-16/00, 12/26/01	CO								
X	12/19/00 2/15/02	HO								
								X		
							X			
	1/16/01									
	0, 90,							X		
X	12/18/00, 1/3/02	HO								
14X 21	5 46/01 7/19/01	5HO BCO ICDA				1/1/02 None Served		15	4	1

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

Acc#	dba name	dba addr1	dba city	dba state	dba zip	dba phone
3487	SANDY C ENTERPRISES	291 S 100 EAST	PLEASANT GROVE	UT	84062	8017856846
1301	SANTA OF THE MONTH CLUB TH	840 N 300 E <i>San Carlos, 2nd Time Arty Gene West</i>	PLEASANT GROVE	UT	84062	4356889465
0537	SAUNDERS SHEILA T	548 N 1180 E	PLEASANT GROVE	UT	84062	8017968231
9049	SCHOFIELD JOSEPH M	729 S 1450 E	PLEASANT GROVE	UT	84062	8017851237
8560	SCOTT HANCOCK PHOTOGRAPHY	214 S MAIN	PLEASANT GROVE	UT	84062	8017858317
3873	SCOTT TWIGGS	2035 N 1300 W	PLEASANT GROVE	UT	84062	8017859904
3047	SCRAPPIN FOOLS	1778 N 70 E	PLEASANT GROVE	UT	84062	8017858815
2623	SD SHRADER	697 S MOHICAN	PLEASANT GROVE	UT	84062	8017852112
5036	SEEGMILLER LACY H	1714 N 70 E <i>Mound Cedar Hill</i>	PLEASANT GROVE	UT	84062	8016268835
4750	SEHLMEIER JOHN H	275 N 1300 E	PLEASANT GROVE	UT	84062	8017858908
3406	SHOTGUN ANNIES COUNTRY STO	1360 E 150 N	PLEASANT GROVE	UT	84062	8017853414
1201	SILVEROSE NETWORK TECHNOLO	905 N 100 E	PLEASANT GROVE	UT	84062	8013452953
0816	SIMPLE JOE INC	987 E 100 N <i>Bus in Sp. Ford</i>	PLEASANT GROVE	UT	84062	8017967711
5664	SIMPSON ENTERPRISES	1092 E 490 N	PLEASANT GROVE	UT	84062	8017859887
3081	SIP N SURF INTERNET CAFE L	200 E STATE	PLEASANT GROVE	UT	84062	0000000000
7597	SKY HAWK	756 N 300 E	PLEASANT GROVE	UT	84062	8017850549
3296	SKYLINE MANUFACTURING LLC	381 W CENTER	PLEASANT GROVE	UT	84062	8017853535
266	SMITH BROS MARKET	93 S MAIN	PLEASANT GROVE	UT	84062	8017852331
0195	SMITH DRUG COMPANY OF PLEA	10 S MAIN	PLEASANT GROVE	UT	84062	8017852351
0329	SMITHS FOOD AND DRUG # 73	700 S STATE ST	PLEASANT GROVE	UT	84062	8019741400
4071	SOFT ESSENTIALS	135 W 1170 N	PLEASANT GROVE	UT	84062	8017858449
7714	SOFTECH CONSULTING	1643 W GARDEN DR	PLEASANT GROVE	UT	84062	8017969672
4234	SOFTTEL	1613 N 300 E	PLEASANT GROVE	UT	84062	8017963488
2940	SOLD OUT CONCERTS PRODUCTI	4163 W 9950 NORTH <i>Mound Cedar Hill</i>	PLEASANT GROVE	UT	84062	0000000000
4642	SOLID SURFACE SPECIALITIES	640 W 220 S	PLEASANT GROVE	UT	84062	8012435725
7584	SONG HAUS MUSIC	746 W 2100 N <i>was coming in</i>	PLEASANT GROVE	UT	84062	8013708331
4926	SOUNDS EXCITING MUSIC	651 S MOHAWK <i>O of B, chair</i>	PLEASANT GROVE	UT	84062	8017855191
8171	SOURCESTREAM	1358 E 700 S	PLEASANT GROVE	UT	84062	8017963833
7058	SOUTHAM & ASSOCIATES	450 W STATE	PLEASANT GROVE	UT	84062	8017853551
9241	SOUTHAM & WARBURTON ALUMIN	450 W STATE	PLEASANT GROVE	UT	84062	8017853551
9110	SOUTHAM AND ASSOCIATES INC	450 W STATE RD	PLEASANT GROVE	UT	84062	8017961600
3549	SOUTHWEST MARKETING	921 E 510 N <i>O of B. 3-4 yrs</i>	PLEASANT GROVE	UT	84062	8014232550
1856	SQUEAKY CLEAN CARS	460 E 100 N	PLEASANT GROVE	UT	84062	8018157188
6129	SRP MANUFACTURING	2148 N 180 W	PLEASANT GROVE	UT	84062	8017852582
6843	STAR MANUFACTURING	535 S 1250 E	PLEASANT GROVE	UT	84062	8017965563

Detail List	P.G. Detail	Lead	Bus Lic	Paid For	Bus Code	Criminal	Citation	Adm. Citation	Citation	Notice	Letter	Fine
For 2001	For 2002											
									X			
									X			
X					HO				X			
X	12/29/00, 1/3/02				HO							
X	12/27/00, 1/3/02				CO							
									X			
											X	
											X	
									X			
											X	
X	4/2/01				HO			4/5/01				
X	1/11/01, 12/18/01				HO							
									X			
X	12/29/00, 1/23/02				HO							
X	4/2/01, 12/12/01				CO						X	
X	12/28/00, 1/23/02				CO							
X	12/28/00, 1/3/02				COB							
X	1/11/01, 12/12/01				CO							
X	12/2/00, 12/24/01				COAB							
X	1/3/01, 1/12/01				HO						X	
X	1/28/00, 1/24/02				HO							
									X			
X	12/20/00, 4/24/02				CO			4/5/01				
									X			
									X			
									X			
	11/28/00 - 12/12/01											
											X	
X	1/11/01				CO							
X	2/5/01				HO							
	9/21/01, 1/24/02								X			
X	11/22/00, 12/12/01				HO							
17X	1/1/01 - 7/19/01				9HO GCO 1COB 1COAB				3/	None Served	12	6
18												

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

acct	dba name	dba addr	dba city	state	zip	dba phone
800	STEEPLE CHASE INTERIORS	1472 W RENAISSANCE	PLEASANT GROVE	UT	84062	8012245372
330	STEVE PETERSON INTERIORS	285 E STATE	PLEASANT GROVE	UT	84062	8017853056
334	STEVEN F MCIFF DDS LLC	31 W 100 S	PLEASANT GROVE	UT	84062	8017850083
825	STEVES TAXIDERM	3094 N CANYON RD	PLEASANT GROVE	UT	84062	8017858665
552	STILL LIFE	935 S 1680 E	PLEASANT GROVE	UT	84006	8017963469
092	STRUGIS ENTERPRISES INC	205 E 1640 N	PLEASANT GROVE	UT	84062	8017857249
462	STUDIO HAIR	156 N 1300 EAST	PLEASANT GROVE	UT	84062	8017856758
759	SUBWAY SANDWICH SHOP	330 S MAIN	PLEASANT GROVE	UT	84062	8017688900
964	SUDWEEKS ENTERPRISES	448 E 900 S	PLEASANT GROVE	UT	84062	8017859815
942	SUMMIT ENTERTAINMENT GROUP	912 W GARDEN DR	PLEASANT GROVE	UT	84062	8017854683
942	SUMMIT SILVER	1181 E 200 S	PLEASANT GROVE	UT	84062	8017855805
340	SUN HAVEN INC	238 E STATE RD	PLEASANT GROVE	UT	84062	8017561440
724	SUPPLY SERGEANT GENERAL ST	347 W 200 S	PLEASANT GROVE	UT	84062	8012229607
238	SUSPENDED IN TIME BY TIAN	788 W 4430 N	PLEASANT GROVE	UT	84062	8017966818
238	SWEETOOTH CO	135 W 1170 N	PLEASANT GROVE	UT	84062	8017858449
901	SYNERCHI THERAPEUTIC MASSA	28 N 100 E	PLEASANT GROVE	UT	84062	8017987102
319	TACO AMIGO INC	239 E STATE RD	PLEASANT GROVE	UT	84062	8017854718
051	TAILWATER IMAGES	915 S 1680 E	PLEASANT GROVE	UT	84062	8017850760
286	TCLS INC	1309 W 3300 N	PLEASANT GROVE	UT	84062	8017853490
046	TED LANSING CORPORATION	440 W STATE	PLEASANT GROVE	UT	84062	8017314177
869	TEMPLE VIEW CHIROPRACTIC C	920 N 200 W	PLEASANT GROVE	UT	84062	8017631195
411	TENDER TREASURES BY CAROLE	581 E 1030 N	PLEASANT GROVE	UT	84062	8017851315
674	TERJIS GROUP	1527 E 400 S	PLEASANT GROVE	UT	84062	8017853325
029	THAYNE ENTERPRISES	385 S MAIN	PLEASANT GROVE	UT	84062	8017851776
071	THISTLE HOLLOW LC	1886 W 800 N	PLEASANT GROVE	UT	84062	8017565177
304	TIME MASTERS	776 S 980 E	PLEASANT GROVE	UT	84062	8017851105
492	TIMP VIEW FRAMING	1545 N 1520 W	PLEASANT GROVE	UT	84062	8017852707
569	TIMPANOGAS ANIMAL HOSPITAL	1299 W STATE RD	PLEASANT GROVE	UT	84062	8017853583
664	TIMPANOGOS CHIROPRACTIC &	28 N 100 E	PLEASANT GROVE	UT	84062	8017967075
1379	TIMPANOGOS CUBICLEZZ	610 E 500 N	PLEASANT GROVE	UT	84062	8013769757
1412	TIMPANOGOS LOCKSMITH SERVI	756 N SAGE DR	PLEASANT GROVE	UT	84062	8017859243
1510	TIMPSTONE LLC	655 W 220 S 3	PLEASANT GROVE	UT	84062	8017569866
7701	TL ROBINSON DESIGN VICTOR	184 N 400 E	PLEASANT GROVE	UT	84062	8017963913
1730	TLC ROCK PRODUCTS INC	405 S 100 E	PLEASANT GROVE	UT	84062	8017968392
2094	TO LIFE	454 N 300 E	PLEASANT GROVE	UT	84062	8017963768

1/1/01	For 2001	For 2002	Bus Code	Criminal Citation	Admin Citation	Ref 2001	Ref 2002	Late Fine
X			CO					
X	12/19/00, 1/24/02		CO					
X	1/2/00		HO					
								X
	9/6/01, 12/18/01							
X	3/1/01		HO					
X	12/19/00, 1/2/02		CO					
X	11/27/00, 12/15/01		HO					
								X
X	1/3/01, 1/24/02		HO					
X	12/27/00, 1/24/02		CO					
X	12/18/00, 1/2/02		CO					
X	11/28/00, 1/27/02		HO					
								X
								X
X	12/8/00, 12/18/01		CO					
								X
								X
X	12/17/00, 1/2/02		CO					
X	12/1/00, 1/3/02		CO					
								X
								X
X	1/1/01, 1/24/02		CO					
								X
X			HO					
								X
X	12/20/00, 12/12/01		CO					
X	1/21/00, 12/18/01		CO					
	1/2/02, 12/5/01							
X	1/12/00, 1/3/02		HO					
								X
X	1/2/01, 1/23/02		HO					
								X
								X
19X 16	1 A F - 11/19/01		8 HO 11 CO					10 5

Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

acct	dba_name	dba_addr1	dba_city	dba_state	dba_zip	dba_phone
265	TOM THUMB SOFTWARE	541 N 1200 E	PLEASANT GROVE	UT	84062	8017858854
3224	TRANSOUNDS INC	1235 E 200 NORTH	PLEASANT GROVE	UT	84062	8017853222
2536	TRI CITY MEDICAL	1200 E PLEASANT GROV	PLEASANT GROVE	UT	84062	0000000000
3501	TRI D ENTERPRISES	1280 E MOHICAN CIR	PLEASANT GROVE	UT	84062	8017854577
1133	TRIPLE R RESTORATION	671 W 220 S UNIT 25	PLEASANT GROVE	UT	84062	8017855451
1563	TRISTAR MANUFACTURING CORP	441 N 1030 E	PLEASANT GROVE	UT	84062	8017856343
1421	TROPHY HOMES LC	1300 W 2600 N	PLEASANT GROVE	UT	84062	8012270550
1720	TURN LEFT AT THE CORNER	919 N 900 E	PLEASANT GROVE	UT	84062	8017859671
1827	ULTIMATE KITCHEN THE	1398 W 870 N	PLEASANT GROVE	UT	84062	8017969606
1823	UNION CHIEF ENTERPRISES	757 E 800 N	PLEASANT GROVE	UT	84062	8017851027
201	UNITED EDUCATION CENTERS I	50 S MAIN ST	PLEASANT GROVE	UT	84062	8012248077
1873	UNLIMITED CARD CORPORATION	671 W 220 S 24	PLEASANT GROVE	UT	84062	8017960270
372	UTAH AUTO REPAIR LLC	445 E STATE ST	PLEASANT GROVE	UT	84062	8017967700
1272	UTAH FISHING ADVENTURES HO	8990 N CANYON RD	PLEASANT GROVE	UT	84062	0000000000
1351	UTAH MARTIAL ARTS ACADEMY	22 S MAIN ST	PLEASANT GROVE	UT	84062	8013750707
1055	UTAH VALLEY CANVAS	762 E 930 N	PLEASANT GROVE	UT	84062	8017850461
1567	VALLEY VIEW ELEMENTARY SCH	941 ORCHARD DR	PLEASANT GROVE	UT	84062	8017568400
1588	VAN DYKE LA REL C DDS	610 S LOADER	PLEASANT GROVE	UT	84062	0000000000
1313	VARIAN SEMICONDUCTOR EQUIP	1179 E 830 S	PLEASANT GROVE	UT	84062	0000000000
1897	VARIETY SALES INC	573 E 870 S	PLEASANT GROVE	UT	84062	8017859183
1848	VENDING FOR FUN	187 E 1640 N	PLEASANT GROVE	UT	84062	8017969325
1882	VICKIS	1963 N 900 W	PLEASANT GROVE	UT	84062	0000000000
1143	VIEWS ON HIGH	522 N 1480 W	PLEASANT GROVE	UT	84062	8017850793
1737	VIKING TRUCK SERVICE AND R	838 S MAIN	PLEASANT GROVE	UT	84062	8017856422
1344	VINEGAR PLEASURES	559 S MURDOCK DR	PLEASANT GROVE	UT	84062	8017960741
1580	VIVA LA VINEGAR	655 S 1550 E	PLEASANT GROVE	UT	84062	8017852551
1264	WALL CLIMBERS INC	391 E 200 NORTH	PLEASANT GROVE	UT	84062	8017853117
1158	WARBURTONS INC	795 E 350 N - 453 W 700 So	PLEASANT GROVE	UT	84062	8017854040
1741	WARNICK MARIA S	1756 N 390 E	PLEASANT GROVE	UT	84062	8013740541
1246	WASATCH LITHOGRAPHY	655 W 220 S	PLEASANT GROVE	UT	84062	8017859593
1598	WASATCH ORNMENTAL IRON	500 W STATE	PLEASANT GROVE	UT	84062	8017855308
1353	WATER GARDENS DEVELOPMENT	624 E 500 N	PLEASANT GROVE	UT	84062	8017967903
1485	WEDDING CAKES BY DAWNA LLC	1272 N 530 W	PLEASANT GROVE	UT	84062	8017826372
1589	WELCOME HOME	835 E 800 N	PLEASANT GROVE	UT	84062	8017858687
1255	WELCOME HOME TO BUILDER SE	1360 W STATE	PLEASANT GROVE	UT	84062	8017851198

9/1/01	For 2001	For 2002									
On-call List	P.G. Detail	Leadcr	Bus. Lic	Paid for	Bus Code	Criminal Citation	Admin Citation	PAOC 300 Lit	Not on Award	Lat & Fine	
X	12/29/00, 12/18/01	HO									
	9/6/01, 12/26/01						X				*
X	12/27/00, 1/3/02	CO									*
	9/18/01, 12/18/01						X				
X	12/22/00, 3/25/02	CO									
							X				
							X				
X	11/20/00, 12/24/01	HO									
	? 1/8/02						X				
							X				
X	12/27/00, 1/3/02	CO									
X	10/10/01, 12/18/01	CO									2/12/02
							X				1/17/02
								X			12/24/01
X	12/27/00, 12/12/01	HO									
								X			
X		HO									
								X			
							X				
X	12/13/00,	HO									
X	12/14/00, 12/18/01	HO									
X	12/15/00, 1/27/02	CO									
								X			
								X			
X	11/29/00, 12/12/01	CO									1/26/02
							X				
X	1/24/01, 12/24/01	CO									
X	4/18/01, 1/24/02	CO									
X	12/15/00, 12/18/01	CO									1/26/02
X	1/18/01, 12/12/01	HO									12/12/01
								X			1/17/02
								X			
16X	2-26-01 7-10-01	7 HO									
19		9 CO						15	4		

Utah State Tax Commission
Complete Listing of Active Sales Tax Outlets for Pleasant Grove City as of 02/27/2001

dba name	dba addr	dba city	dba state	dba zip	dba phone
WESTCON MICROTUNNELING INC	800 S MAIN ST	PLEASANT GROVE	UT	84062	8017853401
WESTERN LIVESTOCK TAG & SU	909 W STATE RD	PLEASANT GROVE	UT	84062	8017853345
WESTERN SKY BBQ & CATERING	60 W SMITH LN	PLEASANT GROVE	UT	84062	8018676920
WESTERN UTILITY CONTRACTOR	800 S MAIN ST	PLEASANT GROVE	UT	84062	8017853401
WESTROC INC	670 W 220 S	PLEASANT GROVE	UT	84062	8017853561
WHALEY ROBERT C	745 E 100 N	PLEASANT GROVE	UT	84062	8017854695
WHATEVER ETC	1764 WEST 800 NORTH	PLEASANT GROVE	UT	84062	8017856761
WHETTEN ROSANA	1735 N 1300 WEST	PLEASANT GROVE	UT	84062	8013737345
WHITE YVETTE M	746 W 550 N	PLEASANT GROVE	UT	84062	8017854813
WILDERNESS ENERGY SYSTEMS	386 N 2000 W	PLEASANT GROVE	UT	84062	8014348443
WINDSOCK MARKETING LLC	595 N 1300 E	PLEASANT GROVE	UT	84062	8017859010
WINTER SOLSTICE	976 N 1020 E	PLEASANT GROVE	UT	84062	8017853363
WOOD N TOUCH	1712 N 390 W	PLEASANT GROVE	UT	84062	8017850754
WOODS JAMES E JR	9550 N CANYON RD	PLEASANT GROVE	UT	84062	8017850548
WORLD WIDE PHOTO INC	379 S MAIN	PLEASANT GROVE	UT	84062	8013773770
WORMWOOD PRESS	622 E 200 NORTH	PLEASANT GROVE	UT	84062	8017850111
XOANAN INDUSTRIES	644 N 880 W	PLEASANT GROVE	UT	84062	8017850842

On-Call List	P.G. Detail	Leads	Bus Lic	Paid For	Bus Code	Criminal	Citation	Admin	Citation	Not on List	Late Fine
For 2001	For 2002										
X 4/4/01, 12/18/01					CO						
X 11/9/01, 12/18/01					HO			X			
X 12/27/00, 12/18/01					CO			X			
								X			
								X			
								X			
								X			
X 1/12/01, 12/18/01					HO			X			
								X			
								X			
X 1/1/01, 1/24/02					CO						
								X			
EX 12	0 AF-ur 7/19/01	2 HO						1/	10	2	
	3 Within 15 days	3 CO						Non			
	B B F= 20 F=0							serv			
	37 AF-ur 7/19/01										
	3 Within 15 days										
	B B F= 20 F=0										
	249 M L st							1	20	12	
	4 Exempt?							Des	4/6/00	12	
	355							Fab	Non	5	
	608 Total							V c	serv	10	
								Orvis		Des	

Tab 13

MICHAEL J. PETRO, ESQ. #4241
YOUNG, KESTER & PETRO
Attorneys for Defendant
75 South 300 West
Provo, Utah 84601
Telephone: (801) 379-0700

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH, AMERICAN FORK DEPARTMENT

PLEASANT GROVE CITY	)	<u>AFFIDAVIT IN SUPPORT OF</u>
	)	<u>SUPPLEMENTAL MEMORANDUM</u>
Plaintiff,	)	<u>ON SELECTIVE ENFORCEMENT</u>
vs.)	
)	
VICTOR R. ORVIS)	
	)	Case No. 021100657
Defendant.	)	Judge Maetani

STATE OF UTAH)
)SS.
COUNTY OF UTAH)

I, Victor R. Orvis, after, first being duly sworn, deposes and says,

1. I am the Defendant above named.
2. I have gathered material as required by the Court through GRAMA requests of governmental agencies including the Utah State Tax Commission, Pleasant Grove City and other Governmental agencies. Exhibit "A" is a document produced by the Utah State Tax Commission entitled, a "complete listing of active outlets for Pleasant Grove City as of 2/27/2001." The hand

written entries on the document are mine which summarize the findings in the document. The columns and printing on the far right of the document is also my writing again tabulating and summarizing the record. As indicated thereon, that exhibit indicates that as of 2/27/2001, the number of businesses without Pleasant Grove business licenses was 355 out of a total of 608 on the list. In these proceedings, the agents and employees of Pleasant Grove City have alleged that, on or about 7/19/2001, they sent an amnesty letter to 265 entities operating without a license, who were on the State's list and an additional 24 names that were not on the State's 2/27/01 list. A copy of Pleasant Grove City's list which purports to reflect individuals to whom amnesty letters were mailed is attached hereto as Exhibit "B." The handwriting on the document is mine again summarizing the records as I observed them. As reflected therein, approximately 100 entities who were on the 2/27/01 list, not having business licenses, were never sent the general amnesty letter despite the fact that they did not have a Pleasant Grove business license.

3. Of the 355 potential offenders of the State list of the business license ordinance, only I was cited criminally. Attached hereto as Exhibit "C," is a document entitled "Business License Mailing From State Sales Tax Distribution List." It was produced by the Plaintiff and it indicates that I was the only person criminally cited out of the 355 individuals not having a business license. I have examined the relevant Justice Court and Fourth Judicial District Court records. Out of the 608 named entities, I am the only defendant I am aware of that has been charged for operating a business in Pleasant Grove without a business license. Pleasant Grove has alleged that twenty names on the list were allegedly cited administratively on or about April 15, 2002, for operating without a license but there is no record of delivery of those citations to the entities named.

4. According to the Pleasant Grove records that I have examined, specifically, Exhibit "A," 12 businesses on the list who were many months late in filing were fined for one year's license fee plus interest, while I, who filed promptly have paid more than \$1,500.00 in fines and fees.

5. I was ordered to cease and desist doing business or face further criminal sanctions. All other businesses were allowed to operate for up to two years with Pleasant Grove City's help and patience to comply with the ordinance.

6. Only I was subjected to fines for and an investigation of my prior years of doing business, during the business application process.

7. Despite the fact that I was approximately ninth in time out of the 355 entities filing for a business license, I was the only one harassed for significant time limits and was significantly delayed for 15 months in processing my business license application.


8. I was the only person denied any hearings on the business license application by the failure of the City to give notice of any action to allow for a hearing and appeal.

9. I was the only business kept from doing business for more than fifteen months causing extraordinary hardship to the point of bankruptcy on my family.

10. I believe that I was singled out and treated adversely because of the position I was taking on city-wide development in my capacity as a member of the Pleasant Grove Planning Commission. I was explicitly told by the Mayor, on two separate occasions, which he later confirmed publically, that if I would resign my position with the Planning Commission, that my business license application would be approved and all attendant investigations, prosecutions and

harassments would cease. A news report summarizing the motive of the Plaintiff for the selective enforcement is attached hereto as Exhibit "D."

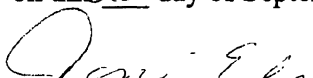
DATED this 28 day of September, 2004



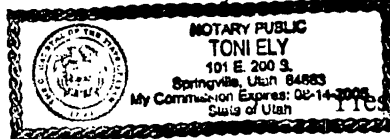
Victor Orvis

NOTARY PUBLIC

Subscribed and sworn to before me on this 28 day of September, 2004.



Notary Public



My Commission expires:

Preside at:

CERTIFICATE OF MAILING

I certify that on the ____ day of September, 2004, I mailed a copy of the foregoing, postage prepaid, to the following.

Stephen H. Schreiner, Esq.
Provo City Attorney's Office
P.O. Box 1849
Provo, Utah 84603

Tab 14

Victor Orvis
490 W. Center St.
Pleasant Grove, UT 84062

1/2/2002

Pleasant Grove City Building & Zoning Dept.
Community Development Dept., City Clerk and City Attorney
Att. Stan Klemetson Community Development Dir.
86 East 100 South,
Pleasant Grove, UT 84062

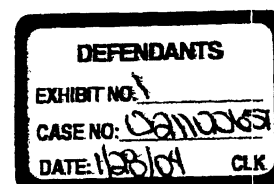
Dear Stan, Amanda and Tina:

This is a request for an official statement from the City concerning the status of my request for an "at home office" business licence and Home Occupation Permit. Has the application been lost, derailed, denied, or approved?

When I filled out the business licence request form months ago, I was informed the application only needed to have the Zoning Compliance Officer fill in the blank indicating the zone in which we live and the application would receive approval. If the almost automatic approval for an "at home office" business licence and permit has changed then I need to know what the decision is concerning my request. Specifically, who made the decision, when the decision was made and if and when the city codes and/ or historical practices concerning permitting this type of business has changed.

Sincerely,

Victor Orvis



Tab 15



70 South 100 East
Pleasant Grove, Utah 84062
Phone (801) 785-5045
Fax# (801) 785-8925

January 4, 2002

Mr. Victor Orvis
490 W. Center Street
Pleasant Grove, UT 84062

RE: Home Occupation Permit Application

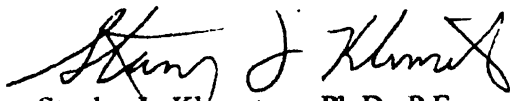
Dear Mr. Orvis:

Thank you for your letter of January 2, 2002, requesting a status statement on your Home Occupation Permit application. Normally, if a driveby inspection of the property does not raise any questions about the scope of the work being performed at the site, a Home Occupation Permit application is approved by our Zoning Administrator and sent over to the licensing office. A driveby visit your property had raised questions about the work being performed on the site. Our Zoning Administrator determined that the application process was not complete and that additional information was needed. *So he waited over a month to come back and see*

A subsequent visit by Ray Limb and Officer Tauffer did not resolve those issues about the potential scope of work of your Home Occupation. We are requesting that you schedule a time to perform a full physical inspection of the residence and on-site buildings. If that inspection is satisfactory and no other issues are raised we can complete the application process. Please let Ray Limb know when the inspection can be performed. *This can be done by scheduling a time to inspect the property.*

Thank you for your patience.

Sincerely,


Stanley D. Klemetson, Ph.D., P.E.
Community Development Director

cc: Ray Limb, Zoning Administrator
Tina Petersen, City Attorney

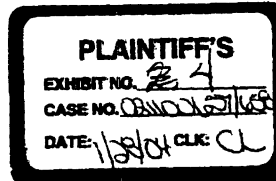
DEFENDANTS
EXHIBIT NO: 2
CASE NO: 02-10000
DATE: 1/11/02 CLK

Tab 16

(Exhibit A)



July 19, 2001



70 South 100 East
Pleasant Grove, Utah 84062
Phone (801) 785-5045
Fax# (801) 785-8925

RE: BUSINESS LICENSING

Dear Business Owner:

At the beginning of Pleasant Grove City's budget year, we are reviewing our business registrations with the Utah State Tax Commission. We find that you or your business are registered with the State, but do not currently have a Pleasant Grove business license. A business license is required of all businesses located within our city limits.

If our records are incorrect, please notify this office; if not, then a completed application, together with the appropriate fees, must be submitted to the Pleasant Grove City Office. Fees are:

Home Occupation:	\$50.00 Business License Fee
	\$35.00 Conditional Use Permit Fee (one time set-up fee for new home businesses).
Commercial:	\$75.00 Business License Fee

Please put the applicable State Sales Tax Number and State License Number (DBA) if it pertains to your business. A fire inspection is also required before a license can be issued. You may make a fire inspection appointment by contacting the Police Department, 785-3506.

We request that you take care of this matter to be in compliance with city ordinances. It is a Class B misdemeanor to operate a business without a license. If you do not respond within fifteen (15) days, this matter will be forwarded to our city attorney. *No further notification will be sent.*

If you have any other questions regarding your license application, please feel free to contact me at City Hall, 785-5045. I appreciate your prompt attention to this matter.

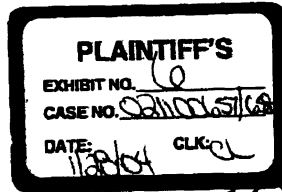
Sincerely,

Carol Emery
Business Licensing Department

cc: Christina M. Petersen, City Attorney
Amanda Fraughton, City Recorder
Ray Limb, Building & Zoning

Enclosures: Business License Procedures
Business License Application
Conditional Use Permit

Tab 17

Date of Application 8-23-01Business License Number new

Pleasant Grove City

70 South 100 East * Pleasant Grove City, Utah 84062 * 801-785-5045

♦ BUSINESS LICENSE APPLICATION ♦

NOTICE Please complete each statement below. Incomplete applications will not be accepted. Applications must be completed within thirty (30) days. Any application not completed within this time frame, will require repayment of fees and re-application of license.

SECTION A — BUSINESS INFORMATION

Name of Business: Design Fabricators Inc Business Phone: 796-3674Business Address: 490 W. Center St. Pleasant Grove 84062
(Street) (City) (Zip)Business Mailing Address: Same
(Street) (City) (Zip)State Sales Tax Number (if applicable): 832565 Bond Required: -
State License Number / DBA (if applicable): 1289984-0144 Parcel Serial Number: -Nature of Business: Design Engineering Consulting + Prototype Development
Will there be any building or remodeling: Yes ☒ No ☐ Gross Leasable (Area in Sq. Ft.): -

Will any of the following be a part of the business:

• Fireworks Sales	Yes	No	N/A
• Beer/Liquor Sales	Yes	No	N/A
• Amusement Devices	Yes	No	N/A
• Door-to-Door Sales	Yes	No	N/A
• Motorized Vehicle	Yes	No	N/A

PART B — HOME OCCUPATION INFORMATION ONLY

• Will customers visit the home	Yes	<input checked="" type="radio"/> No
• Will display or stock of merchandise be at home	Yes	<input checked="" type="radio"/> No
• Will employees be at the house	Yes	<input checked="" type="radio"/> No
• Any unusual traffic be created in neighborhood	Yes	<input checked="" type="radio"/> No
• Will parking on roadside be needed	Yes	<input checked="" type="radio"/> No
• Will flammable, toxic or poisonous materials be kept at the home	Yes	<input checked="" type="radio"/> No
• What portion of home is to be used for business (25% total structure area)	<u>15-20%</u>	

PART C — BUSINESS OWNER INFORMATION

Owner's Name: Victor Erwin
(If other than sole proprietor, give names of partners or corporate president and secretary)Home Address: 490 West Center Pl. Grove UT 84062
(Street Number) (City) (State) (Zip) (Suite)Home Phone: 785-1218 Utah Drivers License Number: 160076818Social Security Number: 529-58-3069 Date of Birth: 2/12/1944

> This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by:

HOME OCCUPATION PERMIT
PLEASANT GROVE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION: Date Received: 8-23-01 Received by: _____ Zone: _____

☒ MINOR HOME OCCUPATION (one time \$35 fee, plus business license cost of \$50 per year)

☐ FAMILY DAY CARE SERVICES - up to six (6) children

☐ MAJOR HOME OCCUPATION (\$100.00 fee for Planning Commission to consider the conditional use permit request, plus business license cost of \$50 per year)

☐ FAMILY GROUP DAY CARE - up to twelve (12) children

☐ PLANS, IF REQUIRED (3 COPIES, 8 1/2 X 11 inches)

☐ LIST OF NAMES, ADDRESS, AND PHONE NUMBERS OF PROPERTY OWNERS WITHIN 300 FEET OF A PROPOSED MAJOR HOME OCCUPATION LOCATION

☐ COMPLETE APPLICATION WITH SIGNATURE AND DATE

TYPE OR PRINT IN INK

NAME OF APPLICANT Victor Davis HOME NO. 785-1218

APPLICANT'S ADDRESS 490 W. Center WORK NO. 796-3674

NAME OF PROPERTY OWNER Same as Above HOME NO. _____

OWNER'S ADDRESS _____ WORK NO. _____

PROPERTY/SITE ADDRESS 490 W. Center

DETAILS OF HOME OCCUPATION REQUESTED: Home Office for Design Consultation Services and Prototype Development

PRESENT USE OF PROPERTY: Residence NUMBER OF EMPLOYEES: 0

SITE PLAN REVIEW REQUIRED? _____ DATE SUBMITTED: _____

NOTE: A SITE PLAN WILL GENERALLY BE REQUIRED ONLY FOR MAJOR HOME OCCUPATIONS. IF A SITE PLAN IS REQUIRED, IT SHOULD BE TO SCALE (NO GREATER THAN 1"=20 FT AND NO LESS THAN 1"=50 FT). THE FOLLOWING INFORMATION IS TO BE SHOWN ON AN ATTACHED SITE PLAN SUBMITTAL:

- | | |
|---|--|
| <input type="checkbox"/> dimensions of the property | <input type="checkbox"/> property lines |
| <input type="checkbox"/> location of all proposed & existing structures | <input type="checkbox"/> location of existing & proposed utilities |
| <input type="checkbox"/> sq ft of existing & proposed structures | <input type="checkbox"/> exterior facade of buildings |
| <input type="checkbox"/> present use of buildings | <input type="checkbox"/> parking space dimensions |
| <input type="checkbox"/> parking backup area | <input type="checkbox"/> dimensions of driveway areas |
| <input type="checkbox"/> existing and proposed ingress/egress | <input type="checkbox"/> street names, locations |
| <input type="checkbox"/> existing and proposed landscaping | <input type="checkbox"/> location of trash container (if applicable) |
| <input type="checkbox"/> irrigation ditches/canals | <input type="checkbox"/> walls or fences existing & proposed |
| <input type="checkbox"/> location of existing and proposed signs | <input type="checkbox"/> (Attach additional information as needed) |



UTAH COUNTY ASSESSOR

Audie C Richards, Assessor
Laura L Brink, Assistant Assessor

100 E Center Street, Suite 1105
Provo, UT 84606
Phone 801-370-8295
Fax 801-370-8282

Congratulations on the establishment of your new business. The Utah County Assessor's Office wishes you the best in your future. We would like to provide you with some information about business personal property taxes.

- Most business property, real and personal is subject to property tax. Real property consists of land, buildings and other improvement. Personal property is a movable item of property that is not permanently affixed to, or part of, real estate. Items of personal property include any equipment used in assisting the operation of your business.
- A tax notice will be mailed annually. This notice is called an Affidavit of Personal Property. You will need to file this Affidavit with our office annually. The responsibility for business taxes is a personal obligation of the business owner. Any changes to account information, i.e. name changes, business address, or mailing addresses need to be reported to the Assessors' office immediately.
- Under Utah law, county assessors are empowered to collect information on business personal property by using an annual affidavit to determine property value (See Utah Code 59-2-306). These values may be appealed to the clerk of the County Board of Equalization. However, the appeal must be filed within 30 days of the mailing of the tax notice.
- Please fill out and return the attached form to the Utah County Assessor's Office, 100 East Center, Room 1105, Provo, Utah 84606. Upon receipt of this form we will send the required affidavit for you to list the equipment and fixtures used in your business. If you have any questions or need assistance, please call (801) 370-8295.

Business Name: Design Fabricators Inc

Mailing Address: 490 W. Center St. Pleasant Grove Ut. 84062

Property Location: Same

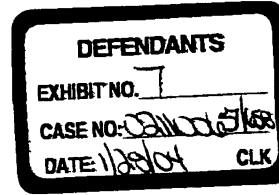
Owner/Manager: Victor Davis Telephone: 285-1218

Principal/Company Name: Design Fabricators Inc Telephone: 796-3674

Principal/Company Address: 490 W. Center

Year Business Started: Dec 1996 Nature/Type of Business: Design Consultation

Tab 18



Memo

To: Ray Limb, Zoning Administrator

From: Carol Emery, Business Licensing

Date: September 26, 2001

Subject: 2001 Non-Renewals/Licenses on Hold/State Tax-Licensing Notification/Fire Inspection Non-Compliance

This is a follow-up memo to one sent August 29, 2001. I have a concern on those licenses that I am currently holding and those that have not renewed, etc. Within the next month, notification will be sent out for all businesses to renew for 2002. Normally, we are current and have made contact and issued citations on all outstanding licenses several months ago. This year, however, there are a number of businesses that have not responded and no enforcement has taken place.

1. These licenses have been placed on hold per request:
 - **Mountain West Design:** 295 W 200 S - This business has renewed and is on hold per complaints from various individuals. They state that Mountain West is using fraudulent business practices. Notification concerning this issue has been given to you, Tina Petersen, and Frank Mills. Frank will present this before the City Directors and a Work Session. Owner has contacted me several times and I have explained that we had to place their license on hold because of some complaints that we have received. He said he would wait to hear from me.
 - **Wireless Now:** 316 E. State - This business has not been licensed since Nov. 13, 2000. It has changed ownership several times since then, and each new owner has failed to license. Mark Sargeant made contact with the previous owners Feb. 5, 2001, but they did not comply. He was going to cite them, but changed job positions before he could. I have made contact, sent faxes, mailings, phone calls, and notified you concerning this business. The current owners have still not complied. They have received all paperwork and necessary information. On Sept. 18th, I received a complaint from Jeff Cooper about a Cricket phone he had purchased from them. He had heard that they may be closing this store soon. Regardless, they continue to operate without a current license.
 - **Pelayos Catering Service:** 558 W 1420 N - This business has renewed, but needs to have a fire inspection and health department inspection. Their license was being held per Mark Sargeants request because of a complaint that was filed Nov. 15, 2000. It is believed that a partner may be doing this business also from a different Pleasant Grove location (he is not licensed). I notified you of Mark's concerns and touched bases about a month ago when Alfonso Rios daughter came in wondering if she could pick up this license. You had mentioned that I should inform her it was on hold and that some of the reasoning for this pertained to the inspections that had not been done. They continue to do business without a current license.
 - **Holmstead Construction:** 405 S 600 W - This business has renewed and completed all their renewal requirements. It was being held per Mark Sargeants request. Mark Sargeant and John Ayer stated that they owe the city on sidewalks (April 18, 2001). Someone phoned June 12th, and asked if we were still holding their renewal license. I explained to them the situation and they commented that they were going to bring this issue up at the Planning Meeting on June 14th. They continue to do business without a current license. I have not heard anything back about their planning meeting.
2. These are other Business Licenses that there are questions on:
 - **Hiatt Auto Sales:** 697 W State Rd - This business applied for a license Jan. 29, 2001. They were suppose to go before the Planning Commission for a Conditional Use Permit. As far as I know, nothing has been done. I believe notification was made concerning this from your office. They have and are currently operating their business without an approved business license. I am only holding a copy of their application and payment. Your office has the original.

- **Liahona Home School Video:** 801 N 300 E - This business applied for license July 18, 2001. They want to run a private junior/senior high school. They were suppose to go before the Planning Commission and get a Conditional Use Permit. I am not sure if they are doing business at this time. I am holding a copy of their application and payment. Your office has the original.
 - **Gaylords:** 1935 N 820 W - We notified this business as part of our State Sales Tax mailing. They are a home occupation and have applied for license to do automotive repairs. You initially stated that they do not fall under a minor or major home occupation. The owner questioned this and I referred him back to your office. He was interested and requested meeting with the Planning Commission.
 - **Melissa Lindstrom:** 1667 N 270 W - This business is a home occupation/pre-school. She was required to go before the Planning Commission and change her status from a minor to major home occupation. She has paid the fee and I believe has met with the commission. I am holding a copy of her application and payment for license. Your office has the original.
3. **Business License Renewal List for 2001:** This is a list of the remaining businesses that have not renewed for this year. Three letters have been sent, numerous phone calls made, etc. No further notification should come from this office. Information I received is included along with the penalty fee schedule showing what they owe.
4. **State Sales Tax Notification:** This is the mailing requested from Frank. It is current as of Sept. 25, 2001. I have had a few notifications coming in and will continue to update this list. I was asked to send one letter of notification. Anyone not responding within the 15 day time frame, should now be contacted and citations issued if necessary.
5. **Fire Inspection List:** All commercial businesses and most home occupation should have had fire inspections this year. Those businesses on this list have not had their inspections. They have received letters of notification and phone calls. No further notification will be sent from this office.
6. Other licenses waiting for approval are:
- Aspen Stone: filed 8-13-01 - *Not on Tax Com. List*
 - Happy Valley Snacks: filed 8-14-01
 - Design Fabricators Inc: filed 8-23-01
 - Lloyds Catering: filed 8-27-01
 - Mission Partners: filed 8-28-01
 - Custom Builders Squared: filed 8-30-01
 - Tri L Const Inc: filed 9-12-01
 - Mineral King Inc: filed 9-17-01
 - CJ Systems: filed 9-20-01

I have a business that has caused us problems before that has been contacted for re-licensing. They were licensed with Pleasant Grove, moved their business to Orem, and then decided to come back into Pleasant Grove. We have had trouble with the owner being current with his licensing. Contact was made in July, an application was mailed, and he has still not complied. (See attachment on Hilltop Landscaping/David Prina.)

Let me know if you need to know anything further or need any additional information. I feel it is important that these are taken care of as soon as possible.

Thank you,

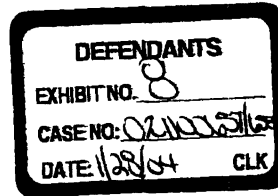
Carol

cc: Frank Mills
Christine Petersen
Stan Klemetson

Tab 19



COMMUNITY DEVELOPMENT DEPARTMENT



MEMO

Date: October 4, 2001

To: Tina Peterson

From: Ray Limb

On Monday, approximately 4:30pm September 24, 2001, I made a visit to Vic Orvis's home located at 490 West Center. The purpose was to perform an on site inspect for Mr Orvis's Home Occupation Business Application. He met me at the front door of his home and invited me in. I told him my purpose for the visit was to perform an on site inspect for his Home Occupation Business Application. I told Mr. Orvis that Police are assigned to come with me on site inspections, but I didn't contact them to make the arrange, they were waiting for me on Monday to contact them.

I asked Mr. Ovis if he was only using his home for his business. He assured me that he was using his home only as an office for his business.

As I was talking to Mr. Orvis in his living room a vehicle drove in the driveway and parked in the rear. This happened at approximately at 5:00pm. So after a person (he was identified as Vic's son) and a police officer (Officer Taufer) came through the front door. Officer Taufer had gone to the shed looking for me and then came to the front door. I talked to Mr. Orvis a little more (about a minute) Officer Taufer and I exited the home. Before getting into our vehicles we discussed the situation. Officer Taufer told me that Vic's son, that was in the shed, told him that the work he was doing was custom work. They use to just work for themselves but they mainly do custom work, now. I told Officer Taufer what Mr. Vic Orvis had told me. We then left the scene.

Action:

- I will obtain from the city office the sales tax records where Mr. Orvis remitted sales tax to the State on hopefully how long has Mr. Orvis has been remitting sales tax.
- I will try to find customers who have had work done by Mr. Orvis and if they know where the design (proto type) was manufactured.
- I am going to find out from the power company when Mr. Orvis had electricity run to the shed and if it has a separate meter for the shed
- I have and will discuss this matter with the Police and Tina to see if we have enough information to proceed.
- Hopefully I can gather the information by Tuesday at noon

Ray Limb,
Zoning Administrator

cc: Stan Klemetson, Director

Tab 20

IN THE FOURTH DISTRICT COURT OF UTAH COUNTY

STATE OF UTAH, AMERICAN FORK DEPARTMENT

ORIGINAL

PLEASANT GROVE CITY,	)	VOLUME 1 (1 to 240)
)	
Plaintiff/Appellee,	)	Case No. 20050343-CA
)	
vs.	)	Case No. 011100657
)	
VICTOR R. ORVIS,	)	Judge Howard H. Maetani
)	
Defendant/Appellant.)	

THE ABOVE captioned matter came before the
Honorable Howard H. Maetani, on February 7, 2003
through May 25, 2004.

A P P E A R A N C E S

For the Plaintiff:	STEPHEN SCHREINER CHRISTINE PETERSEN Attorneys at Law
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For the Defendant:	MICHAEL J. PETRO JOHN A. PENROD SCOTT E. WILLIAMS Attorneys at Law
--------------------	---

Transcriber:	BILLIE WAY, CCT
--------------	-----------------

FILED
UTAH APPELLATE COURTS
SEP 07 2005

20050343-CA

Mr Orvis came in late. He didn't come in within the time period. He came in, asked some questions, received some applications but never actually informed the City of what he was seeking.

So they never could deny it. That was the problem.

So, no, this application has never been denied to my understanding.

THE COURT: Well, let me ask you this: Was the application proper or improper?

MR. SCHREINER: It was improper in that he didn't inform them of what he was seeking, whether it was a commercial, whether it was --

THE COURT: What was filed by your client?

MR. SCHREINER: Your Honor, yesterday we filed a reply memorandum to Defendant's memorandum in opposition.

THE COURT: Yeah, but what was actually filed?

MR. SCHREINER:: There was a business license application filed. On that business license application, it does mark off what he's seeking, and what he was seeking on that business application was a Minor Home Occupation Business License so he could have a business in his home.

17

So he filed it. They accepted it.

We even have a memo that we submitted yesterday that's actually from Miss Emery -- if we are going to do evidence, we can do it that way -- but she even put on it that it was waiting for approval.

And so she -- the City accepted the application waiting for approval. We have the -- I apologize, Your Honor --

THE COURT: I know. I know I know That's why I'm asking them.

I'm asking Mr. Schreiner: Where is the letter that says, "The application is insufficient, or something is missing. We don't know what you want."

MR. SCHREINER: He came in and talked to her, Judge.

THE COURT: What about this application that they say he's filed?

What in there doesn't tell the City what he's applying for?

(Discussion off the Record.)

MR. SCHREINER: And, Judge, I think -- I would prefer to put Miss Emery on, but I'll try to paraphrase it: As I understand it, Mr. Orvis came in, and he had this, correct?

And she said, "Are you looking for a

1 commercial" -- to help him fill it out appropriately.

2 "Are you looking for commercial? Are you looking for
3 a home?"

4 And he would never give her the

5 information that she needed. So she couldn't tell him
6 what fees were owed, because normally they pay the
7 fees, then it goes through the process of whether or
8 not it's approved, whether or not it's denied, it goes
9 to Community Development so they can do approvals or
10 denials.

11 That never happened because Mr. Orvis
12 didn't give him the information --

13 THE COURT: So, Mr. Petro, you never paid
14 fees for application?

15 MR. SCHREINER No.

16 MR. PETRO: Your Honor, he -- you are
17 correct, he never paid the application fees

18 THE COURT: Why not?

19 MR. PETRO: Well -- because when he went
20 in -- and if you want to, we can put Mr Orvis on the
21 stand, too.

22 He spoke with Mrs. Emery, and she told him
23 that she -- he could pay the fees when they approved
24 it within two days or two weeks. I don't know exactly
25 what the numbers were. We can put her on the stand,

19

1 and we can do that

2 But if you want to look at the business
3 application, though, it does say, "Home office for
4 design consultation services and prototype
5 development." It does state what he wanted. It even
6 has marked off what he was seeking, a "Minor Home
7 Occupation business license." They accepted the
8 license.

9 There are provisions within the ordinance
10 that say if you haven't paid the appropriate fees, you
11 are supposed to get mailed notice.

12 There's also provisions that if we are
13 going to deny it, then we are going to send you notice
14 that it's denied.

15 THE COURT Then go back to you,
16 Mr Schreiner, then: Look at the application that she
17 accepted. I know she didn't know -- you say she
18 didn't know what -- what he wanted, so she couldn't
19 tell him what the fees were. Did she read the
20 application?

21 MR. SCHREINER. Yes, she just -- she
22 looked over it and discussed it with him

23 THE COURT: Then why didn't she assess the
24 fees?

25 MR. SCHREINER: Because he wouldn't tell

the ordinance itself that say if you are missing fees, when you are supposed to give mail notice that you are missing fees.

THE COURT: Well, Mr. Schreiner, address that now, the fees.

MR. SCHREINER: The fees?

THE COURT: Do they send a letter out that the fees haven't been paid?

MR. SCHREINER: He knew he hadn't paid the fee, Judge.

THE COURT: No, I'm asking you what you -- what the City does.

MR. SCHREINER: Does the City send out a letter that they didn't pay the fees?

THE COURT: Not to Mr. Orvis, in general, but -- did they send -- because Mr. Petro just said that they normally send something out that says fees are not paid or insufficient.

MR. SCHREINER: That's probably, Judge, just for existing businesses. This was different where they were going off of this list they received from the Tax Commission. It was a different animal altogether. They'd never come in and got business licenses.

So they sent out the letter and said you

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needed to come in and get your business license.

I mean, this is a great conversation and well, Judge, but bottom line, he was engaging in business without a business license prior --

THE COURT: Let me get to the other issues.

What's this thing about the ordinance being changed?

MR. SCHREINER: Judge, on that I did find -- I'll give a copy to Counsel.

This, I believe -- I don't know why the Court doesn't have it. That's the information that was used in the Justice Court.

At the time of trial or pretrial, I actually dismissed Count I because I deemed it to be outside of the Statute of Limitations.

As it relates to the others, Pleasant Grove City changed their ordinances August 1st of 2000, I believe it was.

They didn't change the language, Judge, as it relates to business licenses. What they did is they changed some numbering.

So, for example: The language is the exact same -- and I've got the ordinances if the Court wants to see them -- Count II would be 5.04.030;

1 Counted III should be 5.04.020, which was -- which was
2 the previous ordinance, the exact same language,
3 Judge.

4 And the same with Count IV and Count V,
5 so --

6 (Discussion off the Record)

7 MR. SCHREINER: So --

8 MR. PETRO: Your Honor --

9 MR. SCHREINER: In Count VI is --

10 MR. PETRO: If this is addressing the
11 ex post facto law issue, we'll agree to drop that. We
12 read it as the numbers, and we inadvertently
13 overlooked it.

14 THE COURT: That's why I asked the
15 question.

16 MR. PETRO: Okay.

17 THE COURT: Let's go to the selective
18 prosecution issue.

19 I know where the Defendants stand.

20 Go ahead.

21 MR. SCHREINER: Judge, the letter went out
22 to many people. Most people came in, they complied.
23 I don't believe that Mr. Orvis has been selectively
24 prosecuted. I think that Mr. Orvis, through -- again,
25 through -- I don't want to say "deception," Judge, but

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1 through some playing of games, in my opinion, he put
2 himself in his own class.

3 Bottom line is: He came in late to begin
4 with. The letter said you have 15 days, he came in, I
5 think, 30 days later.

6 So all this talk about the application,
7 Your Honor --

8 THE COURT: He's going to say that other
9 people were late, too, but -- that's at least what's
10 alleged.

11 MR. SCHREINER: And other people have been
12 charged is my understanding. Other people have been
13 charged, so not -- he's not the only one that's been
14 charged out of that original 300.

15 Unfortunately, I'm the only one that's
16 prosecuting Mr. Orvis. Pleasant Grove City has. They
17 had a conflict, so I got roped in.

18 THE COURT: Did you know that other people
19 were charged besides Mr. Orvis?

20 MR. PETRO: We have asked for
21 documentation on that. There's been, I believe, two
22 criminal attorneys now that have asked for
23 documentation so we can get that information.

24 Our client has asked for that information.
25 He hasn't received the list of the 300 or the 85 or

he second notice --

THE COURT: Well, don't have to be 300 people filed against.

MR. PETRO: Yes.

THE COURT: The issue here, though, is: let's suppose -- they are saying other people were -- out of the 300, you know, how many -- I suppose that -- was that information given to him, how many were late and how many -- I wrote it down as part of the discovery request, but how many were actually filed against?

MR. PETRO: That information is something that the City has denied our client on a number of different occasions.

THE COURT: You've got something like that?

I mean, that's the crux of the issue. I mean, you know, you say that there's ten other people that were filed against, they paid the fine -- I mean, they paid the -- they resolved the criminal complaint against them.

I mean, at least from what I read from the Defendant's documents, he's the only one out of the 300 that is picked on.

Do you got information on that?

33

MR. SCHREINER: Maybe I could defer to Miss Peterson, Judge? She's telling me Gaylord's was charged.

Anybody else you know?

MS. PETERSON: Your Honor, there were two -- if I might just proffer -- there were two other businesses out of the 85. The 85 that went to Community Development were all worked on by the Community Development Department, and all eventually either came into compliance or we obtained information that they were no longer doing business at the address.

Gaylord's -- there's a Misa Gaylord (Phonetic) who's operating a home auto repair business who was cited.

There's also two businesses out in the north end of the County that was conducting landscape businesses that I recall off the top of my head prosecuting for doing business without a license. Whether they were part of the 85 list, I do not know, but I know that those two were also cited and prosecuted --

MR. PETRO: Hey --

MR. SCHREINER: Judge --

MR. PETRO: -- Your Honor --

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1 MR. SCHREINER: Maybe we can ask

2 Miss Emery --

3 MR. PETRO: -- we've heard testimony here.

4 We need to see that list, though. I mean,

5 he's the only one out of 300 that you have pointed --

6 the Court's pointed that out --

7 THE COURT: Well, that's what was alleged.

8 That's why I was saying that.

9 MR. PETRO: But we haven't seen that list.

10 I mean, our client has asked to find out what's

11 happened to those other 300.

12 I mean, here's our client, he follows the
13 procedure, he's on a waiting list to get approved and
14 then he never receives a denial.

15 But yet at the same time, there's 300
16 other people out there.

17 There's -- as Counsel has pointed out,
18 there's 85 people that missed the first deadline on
19 the first letter, so the second letter was sent out.
20 What happened to all these people?

21 They say everybody but two people, my
22 client, somebody else, came in compliance. And my
23 client tried to come into compliance, and yet he was
24 never notified that his approval was denied.

25 And so what we want to know is what

35

1 happened to the other three? Did they apply? Were
2 they denied? Were their approvals -- were they drawn
3 out like our client was?

4 THE COURT: Is that part of your discovery
5 request? I don't know. I shouldn't presume.

6 MR. PETRO: So there was a couple of
7 discovery requests, one was made by Scott Williams,
8 who is the attorney that my client had before, and
9 they asked for everything.

10 And my client asked for everything civilly
11 through -- I believe was it GRAMA?

12 (Discussion off the Record.)

13 MR. PETRO: And so there's about a number
14 of different attorneys asked, and he's never received
15 this information.

16 MR. SCHREINER: Judge, that's wrong. I
17 had a meeting with Mr. Williams and Miss Peterson. We
18 discussed that very issue. I told Mr. Petro that and
19 referred him to Mr. Williams. Mr. Williams has those
20 names of people that were charged.

21 Again, Mr. Orvis, put himself in his own
22 category, frankly --

23 THE COURT: Well, I know, but I'll just
24 take it issue by issue.

25 So all I'm saying is: They are saying

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Now, we will give him the information -- hopefully, if the civil counsel deems that --

MR. PETRO: If that's --

MR. SCHREINER: The way they want to go -- I'm not done yet.

MR. PETRO: Okay

MR. SCHREINER: -- we can treat the people who are similar to Mr. Orvis, and that may be the 85 I would argue, Judge, that it would be less than 85, because you will subtract from that 85 people who are no longer in business.

So they can look at that, but I -- there's five or six that Miss Peterson has written down that have been charged.

THE COURT: Well, the issue -- the question is: Will the City release whatever they have first, and then the Defendants can say whether they are satisfied or not?

Or whatever is released, I could look at, and say, "Okay, this is -- I don't think this is selective."

We resolve that issue like that (Indicating).

Right now -- I guess it's up to the City. Is the City going -- it's up to the City what they

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want to release.

(Discussion off the Record.)

THE COURT: Because they don't have to release anything in this criminal action. It falls under GRAMA. That's what I'm saying.

MR. SCHREINER: Under GRAMA.

MS. PETERSON: Your Honor, may I just advise the Court?

Ms. Emery did contact the State Tax Commission, the Disclosure Officer, when the GRAMA request was made, and the officer there told her that she was not to disclose that stuff, that it was private and her note is that we may not divulge or make known in any manner the information gained. If we do we are subject to misdemeanor charges.

So that was the basis of the denial.

THE COURT: Well, I agree with you, that -- I think I stated that. They are not entitled to that information in a criminal proceeding. But they are entitled to argue that issue in a civil proceeding for the civil judge to see whether it should be released or not. That's a separate action.

MR. PETRO: But are we saying --

THE COURT: But he's -- you -- the civil lawsuit and part of it is the GRAMA request, is part

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1 of their lawsuit, correct?

2 So then let the civil judge decide what's

3 going to be released.

4 Once that issue is resolved, then -- then

5 at least I know that, okay? I just got to make a

6 decision on this one issue, on the selective thing.

7 MR. SCHREINER: Well, I would argue,

8 Judge, that -- all the information you need to know or

9 should be sufficient is whether or not other people

10 have been charged. And we can provide that because

11 that's public.

12 THE COURT: No, you can't provide that.

13 MR. SCHREINER: No, the people that

14 they've charged -- we can tell you we've charged these

15 people.

16 THE COURT: Well, let's --

17 MR. SCHREINER: And others have been

18 charged then --

19 THE COURT: You mean criminally?

20 MR. SCHREINER: Yeah.

21 THE COURT: Yeah, okay. With some --

22 MR. SCHREINER: So, if others have been

23 charged, then they are not being selectively

24 prosecuted.

25 THE COURT: Well, give them that list,

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1 then.

2 MR. PETRO: Your Honor --

3 MR. SCHREINER: Rod Olsen, Mary Nielsen.

4 Mica Gaylord, two landscape companies.

5 MS. PETERSON: Decorative Landscaping

6 and --

7 MR. PETRO: There is no evidence to show

8 that they were on the list of 300, on the list of 85

9 or what notices were sent to who --

10 MR. SCHREINER: We are not --

11 MR. PETRO: The City states that they sent

12 out a second notice to allow those 85 people to come

13 into compliance. Who are those 85 people? What was

14 that second notice? What were all these other things.

15 THE COURT: Well, they can tell you --

16 well, that's the problem that they are going to have.

17 (Discussion off the Record.)

18 THE COURT: I guess -- I guess -- let me

19 say this, Mr. Schreiner, there may be ten cases filed

20 under this violation, okay? But the question is:

21 Were they part of the 300? That's the question.

22 MR. SCHREINER: Well, again --

23 THE COURT: I mean, I can see -- today

24 someone -- even after -- even after the 300 -- list of

25 300, or whatever the list was, the -- probably were

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convince them that these people -- that the names you are providing and the case number and the criminal case number, are part of his list, and I don't know how you are going to do that.

MR. SCHREINER: And, Judge, I don't see what the relevance of this list is. The question is: Is the City prosecuting people for doing business without a license? That's the question.

THE COURT: You have a right to do that.

But what I am saying -- what he's saying is: His circumstance is unique because he's one of 85 or one of 300, that he's being picked on.

I'm not saying he's right. I'm saying that's his argument.

MR. PETRO: Judge, it's actually bigger than that. From what Mr. Orvis tells me, there was a list of about 1,200 people that the State gave to the City of Pleasant Grove. The City of Pleasant Grove pared that down to 300 --

THE COURT: Okay.

MR. PETRO: -- by means we don't know.

And now we are alleging that out of that 1,200 names that were provided the City, he's the only one being prosecuted.

THE COURT: Well, I'm not -- I don't -- he

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can make the civil argument on that. But what I'm -- what I'm saying is: I want to know if he was the only one out of whatever list there was prosecuted. That's what I want to know.

MR. SCHREINER: And --

THE COURT: That's the argument that was made, so I want to know. I want to know if he was -- because it seems to me that even under the statute that they are raising on this selective prosecution is, is, I suppose, you know -- it depends on who. But it seems to me that if there's at least one more or two more, the argument doesn't hold water as far as I'm concerned.

MR. SCHREINER: Are you ruling that, Judge?

I've got to see what is provided.

MR. SCHREINER: I'll have Miss Peterson check with the civil attorneys. We'll get the names since 2000? 2000 -- 2000 -- 2000, the people that the City has prosecuted against for doing business without a license.

THE COURT: Because, you know, that, to me, is -- is the thing. And so, you know, I...

(Discussion off the Record.)

MR. SCHREINER: Judge, are you denying --

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1 THE COURT: I am not denying, I'm not
2 ruling on the motion, yet.

3 MR. SCHREINER: Well, does -- okay. What
4 about the other two arguments?

5 THE COURT: Well, the one --

6 MR. SCHREINER: The ex post facto is gone.

7 MR. PETRO: We concede the ex post facto.

8 THE COURT: They've conceded that.

9 MR. SCHREINER: And what about the second
10 argument.

11 (Discussion off the Record.)

12 MR. PETRO: Judge, I think that's,
13 frankly, the best argument. We are not conceding
14 anything. I -- I would like -- I guess a ruling at
15 some point in time --

16 THE COURT: Well, you'll get a ruling when
17 I'm ready to rule on everything at one time. I'm not
18 going to piecemeal this thing.

19 MR. SCHREINER: I think (inaudible)
20 Mr. Petro when you say that, Judge.

21 THE COURT: Okay.

22 Well, let's come back on January 28,
23 11:00 o'clock. I've got a bench trial, but we'll take
24 it after the bench trial.

25 (Discussion off the Record.)

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1 MR. SCHREINER: January 28th, 8:00
2 o'clock? What day is that.

3 THE COURT: But I can tell you but before
4 that, you know, I want to know -- I'm saying I don't
5 want to waste time as -- well, you come on that date
6 because...

7 MS. PETRO: Your Honor, let me clarify
8 that date: Is it January 28th at 8:00 a.m.?

9 THE COURT: 11:00.

10 MR. PETRO: 11:00 a.m., okay.

11 THE COURT: Be here.

12 You see, what the City has to do is
13 provide those names and convince them that these names
14 were on that list. That's all I want.

15 MR. SCHREINER: Well, we'll see if the
16 civil attorney will allow that.

17 THE COURT: Well, that's why we went
18 through this -- this process, because, unfortunately,
19 I had another case, like I said, that involved this
20 same GRAMA issue. And, like, I said -- and the City
21 did their homework, and I agree.

22 I mean, even -- they can yell all they
23 want about discovery. I wasn't -- there's no way I'm
24 going to order the City to do that.

25 But the problem is, when you throw GRAMA

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1, you know, the City has to watch and be careful.

My concern is: They won't be able to tell you that these people were on the list sufficiently. That's my concern here.

(Discussion off the Record.)

MR. SCHREINER: Again, I'll argue, Judge, that it's just not relevant --

THE COURT: Well, it is relevant for me to tell them that, "Hey, I don't think this is selective because other people have been prosecuted."

MR. SCHREINER: Judge, wouldn't it fall -- mean, what if one person came in and said, "Here's ten people or five people that are operating a business without a license," and we only charged one; yet there are 15 people that are charged at the City that they found out through other means?

THE COURT: Well, I think the facts is a little different there.

MR. SCHREINER: Not much.

THE COURT: I don't want to extend that. You are talking about a list of people who are in the same position as Mr. Orvis. I'm not talking about the rest of the population out there. I'm talking about only those on that list. Was he selectively picked out and no one else? That's the argument that was

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made; at least on that issue. Thank you.

MR. SCHREINER: Thanks.

MR. PETRO: Thanks, Judge.

THE COURT: Because I can tell you, it is. And it's a can of worms.

MR. SCHREINER: Judge, can we consolidate these files and just operate off of this Information? We are not going to have two files.

THE COURT: No, I want to keep them separate for now.

MR. SCHREINER: Okay. Can we make the amendment to the 020 on 3 --

THE COURT: Well, you can submit an order to that.

MR. SCHREINER: -- four and five.

THE COURT: That -- that issue is not --

MR. SCHREINER: Is that all right.

THE COURT: Let me take this with me.
(Hearing Adjourned.)

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PROCEEDINGS.

(January 28, 2004, 10 17 a.m.)

THE COURT: Well, I continued this from the last time, but I guess one of the issue was having the City give them -- provide some names to the Defendant.

MR. PETRO: Judge, we haven't been provided with anything.

THE COURT: What's the reason for that? I thought you -- the ones that were of record, you had a list of those.

MR. SCHREINER: Yeah, and I just got those today, Judge, from Miss Peterson.

I don't know -- these are cases, all but one, that was filed in the Pleasant Grove Justice Court, and there's one case filed in the District Court, I believe, in front of Your Honor.

And they are all doing business without a license or failure to renew business license, and there are --

THE COURT: That was part of this sweep so-called --

MR. SCHREINER: Well -- and I don't know, frankly, if any of these come off of that 300 list.

MR. PETRO: Well, then what relevance if

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it doesn't come off of the list, Judge? I think they need to tell us that these are -- we need to know which the of the 300 on the list were actually prosecuted.

And if they are providing us with people that weren't on the list that they've prosecuted, then that's irrelevant.

I think, frankly, what they are doing is they are providing us with people that have -- are prosecuted for door-to-door sales violations.

THE COURT: Well, that's -- that's -- that's what I wanted done. I mean, you know, if they are on the list, you can just say they are on the list.

MR. SCHREINER: Yes --

THE COURT: And it's public record. And then -- because the whole issue is whether he's just been picked out by himself.

So, if you've got ten -- ten cases there and they are on the list, just tell them that they are on the list and they can go check.

(Discussion off the Record.)

MR. SCHREINER: I --

THE COURT: I'm not asking -- I know the problem with the whole list, but I'm just saying:

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A. I was told subsequently that over 300 received the same letters.

Q. Okay. And it basically is a letter that states that you need to obtain a license to come in compliance with Pleasant Grove City?

A. That's correct.

Q. And in connection with that, what did you do to attempt to come into compliance?

A. I had discussed a couple of times -- even previously to them sending a letter, I discussed with City personnel, because I was in this Catch 22, what I should do. And then -- then I also telephoned Carol Emery and others and said, "Here's my situation, here's the zoning, what do you want me to come in and apply for?"

And we settled on, "Let's get a minor application in now and then work through the Planning Commission, the City Council, to rectify the other issues."

Q. And did you apply for a minor license?

A. I did.

Q. Okay. And when did you do that?

A. It would be early -- or the middle of August.

Q. Of what year?

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A. Same year.

Q. Okay.

A. Essentially, a little over a month after the letter was sent out, probably a month after the letter was sent out.

Q. All right. That was 2001, is that correct?

A. That's correct.

Q. And who took your application?

A. Carol Emery took that application.

Q. All right. Was there any discussion at the time with Miss Emery that the -- that the application was not complete?

A. There was not. I was -- in conversation -- I had forgotten my wallet, and Mrs. Emery very nicely -- they were treating me nice. They knew I was on the Planning Commission; said, "Don't worry about it." I thought she said the application will be completed in a couple of days. I could pay then.

And there was no inference or anything else that the application was incomplete in any way nor that the application was late.

I asked that question, "Is this okay?" "Yeah, this is fine, you know, there are others that are coming in late."

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1 And so I applied -- at that time, I didn't
2 believe there was a problem.

3 Q. Okay. And did she accept the application?

4 A. She did.

5 Q. All right.

6 A. And her -- she initialed it. She

7 initialed also that I didn't need a fire inspection.

8 And she -- and she has some of her writing on that
9 application on that day.

10 Q. At this date, when you applied for the
11 application, it was in August of 2001, is that
12 correct?

13 A. That's correct.

14 Q. What was your relationship like with the
15 City?

16 A. With the City?

17 Q. Yes.

18 A. It was poor with Mayor Sanderson and one
19 or two of the City Council, but otherwise it was good.

20 Q. And did you have any particular problems
21 with Carol Emery at that time?

22 A. No, she was very helpful and very
23 friendly.

24 Q. All right. Okay, you submitted the
25 application August of 2001. When were you or have you

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1 ever been advised that your application was rejected?

2 A. The application was never denied. To this
3 day, I have never received anything that says that the
4 application was denied.

5 Q. Now, did you subsequently inquire about
6 the application?

7 A. Several times with several different
8 people, including Mrs. Emery, who always sent me to
9 the Enforcement -- the Zoning Enforcement Officer.
10 And I would call and ask what the status was. And
11 also the Director of Plans, Mr. Clemenson.

12 I certainly inquired both in writing and
13 in telephone conversations.

14 (Defendant's Exhibit No. 1 Marked.)

15 MR. PETRO: May I approach the witness?

16 THE COURT: Yes.

17 MR. PETRO: I'm handing you what's been
18 marked as Defendant's Exhibit 1

19 Would you identify that document for me,
20 please?

21 A. It is a letter that I wrote and sent the
22 City on January 2nd of 2002, where I was inquiring of
23 the status of that application.

24 Q. All right. And what again was the date of
25 that letter?

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A. **It would be January 2nd.**
 Q. Of 2002?
 A. **Yes.**
 Q. So this is approximately four months after you submitted the application, is that correct?
 A. **It is.**
 Q. And could you read the letter?
 A. **"Dear Stan, Amanda and Tina:
 "This" is a request for an official statement from the City concerning the status of my request" --**
 Q. Okay Let me stop you right there. Who are Stan, Amanda and Tina?
 A. **Stan Clemenson is the -- is -- is Mr. Limb's boss. He's the -- oh, I forget his exact title. It's basically Director of Plans or Development Director for the City of Pleasant Grove. Amanda is the City Recorder, and Tina is Tina Peterson, the City Attorney.**
 Q. Okay. Go ahead and read the letter.
 A. **"This is a request for an official statement from the City concerning the status of my request for an At-Home Office Business License and Home Occupation Permit (period).**

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Has the application been lost, derailed denied or approved?
"When I filled out the business license request four months ago, I was informed the application only needed to have the Zoning Compliance Officer fill in the blank indicating the zone in which we live, and the application would be received -- would receive approval.
"If the almost automatic approval for an At-Home Business License and permit has changed, then I need to know what the decision is concerning my request; specifically who made the decision, when was the decision made and if and when the City Codes and/or historical practices concerning permitting this type of business has changed.
Sincerely, Victor Orvis."
 (Discussion off the Record)
 Q. And did you subsequently receive a response to that letter?
 A. **I had several communications from the City, but none of them really responded to that letter**

1 in the sense that it -- the question was whether it
2 had been derailed, denied or approved. I -- I didn't
3 receive anything that answered that particular
4 question. And that was the question in the letter.
 5 Q. But you did receive a letter dated
 6 "January 4th, 2002, from Stanley Clemenson at the
 7 City, is that correct?
 8 A. **I'd have to see it, but it's...**
 9 **This is -- the letter date is January 4th,**
10 2002, from Stan Clemenson, the Community Development
11 Director, to me and regarding "Home Occupation Permit
12 Application."
 13 Q. So that is written two days after -- or
 14 dated two days after your letter?
 15 A. **It is.**
 16 Q. All right. And it's addressed to you, is
 17 that correct?
 18 A. **It is.**
 19 Q. Okay. Could you read it -- read it slowly
 20 because I may want to stop you and ask you about the
 21 letter as you read it
 22 A. **Okay.**
 23 **"Dear Mr. Orvis:**
 24 **Thank you for your Letter of**
 25 **January 2nd, 2002, requesting**

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1 a status statement on your Home
2 Occupation Permit Application.
3 Normally, if a drive-by inspection
4 of the property does not raise any
5 questions about the scope of the
6 work being performed at the site,
7 a Home Occupation Permit Application
8 is approved by the Zoning Administrator
9 and sent over to the Licensing Office.
10 "A drive-by visit to your
11 property has raised questions
12 about the work being performed
13 on the site. Our Zoning Administrator
14 determined that the application process
15 was not complete" --
 16 Q. Okay. Let me stop you there.
 17 Read that sentence over again.
 18 A. **"Our Zoning Administrator determined**
19 that the application process was not
20 complete and that additional information
21 was needed."
 22 Q. Okay Did they ask you for any additional
 23 information?
 24 A. **No, I don't -- I don't remember any**
 25 **request for additional information.**

Q. Okay. Did they advise you about why the application was not complete?

A. **Just other than what's in this letter, that there were other -- that there were things going on at the site that they wanted to know about.**

Q. Okay.

A. **But they didn't ask me about it.**

Q. Okay. Have you ever asked about them?

A. **I've had conversations with Stan Clemenson in his office after this -- I went to his office and asked him why -- you know, months after -- why I still didn't have an approved application or approved business permit.**

At that time he told me that because I had an action, a civil action pending -- I had filed a claim against the City before the City that he was -- it was his opinion that I would not get a business application until that action against the City was resolved.

And it was his position as Development Director and Mr. Limb's boss that there wouldn't be any further action until that happened.

Q. All right. So he -- he, in effect, just told you everything on your application was in limbo because you had made a claim against the City?

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A. **He basically told me I wasn't going to get a business license.**

Q. All right.

Has the City ever sent you a letter that detailed why your application was deficient and has asked any follow-up questions about your application?

A. **I've gotten communications that asked for inspections, and I've always said, and I've always allowed inspections.**

What the City had done -- I was not --

Q. Okay. Let me stop you there

A. **Okay.**

Q. I want to know if you've gotten any letters from the City detailing why your applicant -- 'm talking letters -- why your application was deficient --

A. **No, not why my application was insufficient.**

Q. Okay. And have you gotten any letters from the City asking for any additional information concerning your application?

A. **No, not to my knowledge.**

Q. Okay. Go ahead and finish reading the letter.

A. **"A subsequent visit by**

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1 **Ray Limb and Officer Toffler**
2 **did not resolve those issues**
3 **about the potential scope of**
4 **work in your home occupation.**
5 **We are requesting that you**
6 **schedule a time to perform a**
7 **full physical inspection of the**
8 **residence and on-site buildings.**
9 **"If that inspection is**
10 **satisfactory and no other issues**
11 **are raised, we can complete the**
12 **application process.**

13 **"Please let Ray Limb know**
14 **when the inspection can be**
15 **performed."**

16 Q. Okay. And did you contact them about the
17 inspection of the premises?

18 A. **I did. I contacted Ray Limb and said he**
19 **was welcome to inspect my home for a Minor Home**
20 **Occupation License.**

21 Q. Right.

22 A. **But I did draw the line on warrantless**
23 **searches by the Police Department.**

24 Q. Okay.

25 A. **One had already taken place, and I didn't**

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1 **want a second one.**

2 Q. So you told him he was welcome to come in
3 and inspect the property for the purposes expressed in
4 his letter?

5 A. **I did. I said the same thing when he was**
6 **there visiting my home that's referenced in this**
7 **letter, that he was welcome to inspect the residence**
8 **for Home Occupation License.**

9 Q. Okay

10 A. **Now, what I had applied for at that time**
11 **was a Minor Home Application License. And I agreed**
12 **that I wouldn't use the outbuildings, and therefore he**
13 **was free to inspect that portion of it that I would**
14 **intend to use.**

15 **Now, it was my intent to later apply for a**
16 **Major Home Occupation, which has to be applied through**
17 **the Planning Commission.**

18 Q. All right. Let's stick with the
19 application that you filed.

20 A. **Okay.**

21 Q. Now, the letter from Mr. Limb is dated
22 "January of 2002, January 4th, as I recall, is that
23 correct?

24 A. **This is from Mr. Clemenson?**

25 Q. From Mr. Clemenson?

A. Yes.

Q. All right. And do you recall when you had conversation with Mr. Clemenson about the fact he did inspect your premises?

A. Actually, that --

MR. SCHREINER: Your Honor, this is to say, the conversations that he's had with Clemenson.

MR. PETRO: I am not asking him whether it is true or not. I'm just asking him about whether he had a conversation with Mr. Clemenson about that subject matter.

A. I had conversation --

THE COURT: Overruled.
Go ahead.

THE WITNESS: I am sorry, Your Honor.

-- with both Mr. Limb and Mr. Clemenson at an inspection of my home for Minor Home Occupation would be allowed and was welcomed.

MR. PETRO: Okay

Now, did those conversations take place in January of 2002 or after that date?

A. After. Ongoing.

Q. Okay. Until when?

A. I'd have to see the letters. Letters went

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back and forth in conversations with them for probably a year --

Q. When were you --

A. -- in total.

Q. In connection with the criminal case, when were you served with the citation?

A. A month to six weeks after I had applied for the Minor Home Occupation in July.

Q. So you were -- you had actually been -- you had applied for the license?

A. I conformed to the letter.

Q. Okay

A. Fine.

And then Mr. Limb come visit, which was fine, and unbeknownst to me --

Q. You're -- you are confusing me. So make sure -- just so that the Judge understands it:

You applied for the license in July, is that correct?

A. Right.

Q. All right. And then you write the letter in January of -- 2nd of 2002, asking about the status of your application, is that correct?

A. That's correct. But I had already been cited.

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1 Q. Okay. When were you cited?

2 A. It would be -- the citations were given to
3 me in November.

4 Q. All right. So, by the time they -- you
5 wrote your application -- or you wrote concerning the
6 status of your application, they had already cited you
7 criminally, is that correct?

8 A. Yes, I had multiple citations criminally
9 all given to me on the same date.

10 Q. Okay. And that's before there was any
11 correspondence with you concerning the status of your
12 application?

13 A. That's correct.

14 Q. All right. And your testimony is, as I
15 understand it, that you still have never received any
16 formal denial from the City?

17 A. I've not.

18 Q. Okay. Have you been able to avail
19 yourself of any of the appeal rights, administrative
20 appeal rights, either on the denial of the application
21 or administrative citation or any other administrative
22 right allowed by the City?

23 A. No. You need a denial to avail yourself
24 to Title 5 or Title 14. I did subsequently go to the
25 Planning Commission for a Major Home Occupation

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1 License as essentially an end-around to what was going
2 on, because that put me in front of a body that I
3 could speak to.

4 And I did -- a year later, did, in fact,
5 do that, a year later from the original application.

6 Q. But as it relates to the application you
7 filed in July of 2002, you were never formally denied
8 and therefore didn't have anything to --

9 A. To appeal --

10 Q. -- in the administrative appeal?

11 A. That's correct. And I was never informed
12 of the administrative appeal process.

13 MR. PETRO: I don't have any other
14 questions.

15 THE COURT: Cross.

16 MR. PETRO: Your Honor, I would move to
17 admit Exhibits Number 1 and 2.

18 THE COURT: Any objections?

19 MR. SCHREINER: No.

20 THE COURT: Received.

21 (Defendant's Exhibit Nos. 1 & 2 Admitted.)

22

23

24

25

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you?

Business license application completed with signature of the owner or authorized officer?

A. Yes.

Q. And you are claiming you did that?

A. Yes.

Q. Okay. Application approval by Pleasant Grove City Zoning and Building Department and all other required approvals such as Health, Fire Inspections, State, et cetera?

A. I am not sure if that's on the old style application or not, probably.

Q. Did you file any of those with your application?

A. No, none was requested.

Q. Okay. And payment of appropriate fees?

A. No.

Q. Did you make any payments?

A. Payment of what?

Q. Of appropriate fees?

A. No, I would --

Q. Because as you know --

A. Mrs. Emery --

Q. -- fees --

A. Mrs. Emery said I could pay when I came

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back.

Q. When you came back?

A. When I returned for the completed application and the business license.

Q. So your testimony is that Mrs. Emery told you that you didn't need to pay any fees?

A. No, I didn't say that --

Q. At the time that you filed --

A. On that day --

Q. -- application --

A. -- the application -- I heard the application would be done in a couple of days. It was just zoning approval to mark down the zone. And then I could pay when I came back to pick up the license.

Q. Okay.

A. And she was very nice about it.

Q. Now, would you owe a fee for home occupation or fee for commercial occupation?

A. On that the application, it was for a minor -- Minor Home Occupation, so it would be the fee for Minor Home Occupation.

Q. Okay. And you knew -- you have an outbuilding, correct, Mr. Orvis?

A. I have several outbuildings.

Q. That you do work in?

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1 A. I could --

2 Q. That is you --

3 A. I have one building out there that I can
4 do work in.

5 Q. As part of your business? .

6 A. It can be part of the business, yes.

7 Q. And as such, you wouldn't qualify as a
8 Minor Home Occupation, correct?

9 A. If I agreed to not use the building, I
10 would qualify. If I wanted to use the building, I
11 would need a different sort of --

12 Q. Okay.

13 A. I would assume I would need a major.

14 Q. Yes.

15 A. With that said --

16 Q. Knew you wouldn't qualify for a minor?

17 A. I qualify for --

18 MR. PETRO: Judge, I'm going to object.

19 It's irrelevant. Whatever he applied for, they never
20 responded to him.

21 MR. SCHREINER: Well, it's this type of
22 game that was happening with Miss Emery, and I will
23 show that.

24 THE COURT: Well, I'll let you continue.

25 Go ahead.

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1 MR. SCHREINER: So did you have a Minor or
2 Major Home Occupation?

3 A. The application speaks for itself. They
4 never responded to it.

5 MR. SCHREINER: I ask for a response,
6 Judge.

7 THE COURT: Well, what's the question,
8 though, again?

9 MR. SCHREINER: Was he operating a Minor
10 Home Occupation or a Major Home Occupation --

11 A. As I explained at the time --

12 Q. -- which Miss Emery was trying to get
13 from the Defendant --

14 THE COURT: Answer the question.

15 THE WITNESS: Okay. I'm going to answer
16 that:

17 At the time, I explained to Mrs. Emery
18 that I do -- 90 percent of my work was done at a
19 drafting table and a computer in the home.

20 The other ten percent, which I was going
21 to forego at the time, could be done out in the
22 outbuilding or, as is typical, I would shop it out.

23 You need to understand my business --

24 MR. SCHREINER: To another location.

25 A. No, not -- to another location, to another

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business.

Q. Right.

A. I'm a design engineer. What I do is design things on paper or in the computer. And I can send that out to be done. Or if it's minor enough, I can try to fabricate a prototype. That's my choice on which way I go.

I was willing under the Minor Home Occupation to do the 90 percent, which was basically consult design work on paper or in a computer.

Q. So it's your testimony that you told Miss Emery that you were making application for a Minor Home Occupation and that you would not be doing anything in the outbuilding which would then take you out of that?

A. Actually, Miss Emery and I didn't discuss that.

Q. So your testimony is that you and Miss Emery didn't discuss anything about the differences between a Minor and Major Home Occupation?

A. No, I didn't say that. We did discuss differences between them. It's still a big Catch 22 in Pleasant Grove, on how they deal with businesses that are in homes that are in the commercial zones.

Q. Okay. So --

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A. And we did discuss that.

Q. So your testimony is that you were in Catch 22?

A. I'm still in a Catch 22, so are a lot of other businesses and home occupations.

Q. Catch 22 as it relates to what?

A. Catch 22 as it relates to Title 14 and Title 5.

Q. But as it relates to whether or not you can do business there?

A. What -- whether or not you can live there and do business or whether or not you can do business in your home.

Q. Okay.

A. The Title 14 specifically allows for home occupation in residential zones. Title 5, and other titles, specifically allow for doing commercial businesses, but with very few exceptions you can't live in the residence of the commercial business.

Q. And I understand that.

Your testimony is that you were in a Catch 22 -- resolve the Catch 22 before you actually engaged in business or --

A. I did not. Efforts were made in the Planning Commission multiple times and even after to

1 rewrite the Home Occupation Code so it would include
2 those commercial zones --

3 Q. Okay.

4 A. -- and the restrictions that would apply.

5 Q. But the fact is that you engaged in a
6 minor or major or both home occupation without being
7 licensed?

8 A. I have never denied that.

9 Q. Okay. Knowing that you should have been,
10 knowing that you are with this Catch 22?

11 A. Knowing it was difficult if not
12 impossible. It needed to be rectified.

13 Q. Is it your testimony, Mr. Orvis, that
14 there was no inference whatsoever from Miss Emery that
15 your application was not complete?

16 A. That is my testimony.

17 Q. Okay. And would you agree that if your
18 the application wasn't complete, that the City
19 couldn't act on it to deny or approve it?

20 MR. PETRO: Objection; that calls for a
21 legal conclusion and it's speculative.

22 MR. SCHREINER: I'm asking for his
23 opinion, Judge. He's the one making the application.

24 THE COURT: Overruled. Let him answer.
25 Go ahead and answer.

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1 THE WITNESS: Would you repeat the
2 question?

3 MR. SCHREINER: If you file an application
4 and it's not complete such that the City can make a
5 finding on it to deny or approve it, would you agree
6 that that would be difficult for the City to do --

7 A. No.

8 Q. -- that they can't make that
9 determination?

10 A. No, I believe they can make the
11 determination, but they need to do it within their own
12 codes and laws, or they can send me something that
13 says, "You need to comply with this or you need to
14 further complete this."

15 Q. But my question, Mr. Orvis, is this:
16 If you file an incomplete application,
17 City can't approve or deny that, correct?

18 A. I didn't file an incomplete application.

19 Q. If?

20 A. I don't know. I'm not the Business Zoning
21 Officer.

22 Q. Okay. Now, you talk about a letter that
23 you sent January 2nd, I believe. It is Defendant's
24 Exhibit 1, correct?

25 A. Yes, the --

Q. January 2nd, 2002?

A. **The letter I just read, yes.**

Q. Correct.

And that was after you were charged criminally in this case correct?

A. **That's correct.**

Q. So you knew at that time the City deemed that you did not have a business license?

A. **That's correct.**

Q. Okay.

THE COURT: Let me interrupt here.

We are talking about this charge. What was the charge --

MR. SCHREINER: Uh-huh.

THE COURT: -- what was the charge? It wasn't the Information was it?

MR. SCHREINER: He was given citations, Judge.

THE COURT: What kind of citations?

MR. SCHREINER: He was given five citations for doing --

THE COURT: I want to know whether it was criminal or administrative because I've heard it was administrative side.

MR. SCHREINER: They were criminal,

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criminal citations.

THE WITNESS: There were three not five, but there were six counts.

MR. SCHREINER: Yes, correct.

Is it your testimony then that you were always willing to allow inspections of your property?

A. **Yes. But not warrantless searches.**

Q. Okay.

A. **And if you want me to clarify that, I'd be happy to.**

Q. My question is this: You testified that were you always willing to allow Pleasant Grove City to come in and inspect your property for the Minor Home Occupation?

A. **Allow them to inspect my home for the Minor Home Occupation, yes.**

Q. Okay. Now, if they had some indication that you were operating in the outbuilding, wouldn't you think it proper that they'd want to inspect that to see if were you doing business there as well?

A. **Actually, no. I think they need me to agree not to use it if -- for the minor and we'd go after the major if I needed it.**

Q. Okay.

A. **I would have liked to do 90 percent of my**

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1 **business that I could do in my home. That's where I**

2 **applied for --**

3 Q. They can't see whether or not you qualify

4 for a minor if you are doing things outside the house,

5 correct?

6 A. **They never did until a year later, inspect**

7 **my home at my invitation.**

8 Q. Because you wouldn't allow them?

9 A. **No, I allowed them to inspect my home all**

10 **they'd like. I never disallowed anything. They**

11 **wanted to use police officers to search my home and to**

12 **inspect my computer. I would not allow that without a**

13 **warrant.**

14 Q. You knew that you didn't qualify for a

15 minor as long as you were doing work in that

16 outbuilding, correct?

17 A. **I was willing --**

18 Q. Is that correct?

19 A. **Yes. And I was willing to do that.**

20 Q. Okay. Okay.

21 And the fact is that you didn't pay any

22 fees with the application, although you say Miss Emery

23 told you something different?

24 A. **That's exactly right.**

25 Q. Okay.

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1 (Discussion off the Record.)

2 MR. SCHREINER: Mr. Orvis, do you know of

3 any conversations that you had with Ray Limb with the

4 Zoning Department in Pleasant Grove regarding

5 inspection.

6 MS. PETRO: Objection; foundation, when,

7 where.

8 MR. SCHREINER: Any.

9 Do you recall having conversations with --

10 A. **Yes, we had --**

11 THE COURT: Overruled.

12 MR. SCHREINER: Okay.

13 And it is your testimony that you told him

14 on those occasions that he could come do inspections

15 at any time?

16 A. **At any time? I invited him -- when he**

17 **came into my home, I invited him to do the inspection**

18 **then for the Minor Home Occupation in my home.**

19 Q. Okay.

20 A. **And he -- he -- he knew and I had written**

21 **subsequently letters and conversations that he was**

22 **welcome to do inspections.**

23 Q. Okay. One --

24 A. **I did draw the line at warrantless**

25 **searches.**

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Q. When were those conversations?

A. **They were on the telephone -- they were coming over a period of a year.**

Q. Before or after you were charged?

A. **Actually, when he came to my house, was the first time he said he wanted to do an inspection. He said, "Fine, you can do an inspection of my home."**

I did tell him that I was not going to allow him to look in my hard drive of my computer, but he could inspect -- he could do a normal home occupation inspection of my home at that visit.

And he didn't want to do that. He wanted to do more than that. And he wanted the police involved. And I would not allow that --

THE COURT: Well, now --

THE WITNESS: -- without a warrant.

THE COURT: -- I want to know -- let's pin it down to time, place and idea.

When did all this take place?

THE WITNESS: That was on the first time --

MR. SCHREINER: This is --

THE COURT: When was that?

MR. SCHREINER: -- Ray Limb take place.

A. **Let's see, it was September or October. I**

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ve -- I have --

Q. September or October?

A. **Mr. Limb has notes of the date it actually says; September or October of '01.**

Q. Okay. And --

A. **-- was the first visit.**

Q. And that was about three months, then, or the letter went out about two months after you were in and talked to Miss Emery?

A. **It would be in that time frame, yes.**

MR. SCHREINER: Okay.

I don't have any other questions, Judge.

Oh, move to offer Plaintiff's 3 and 4 into evidence.

THE COURT: They are received. What's the record there?

(Discussion off the Record.)

(Plaintiff's Exhibit Nos. 3 & 4 admitted).

THE COURT: Redirect?

REDIRECT EXAMINATION

1 BY MR. PETRO:

2 Q. Mr. Orvis, after Mrs. Emery took your

3 application for the minor home permit, did you receive

4 correspondence either in writing or orally from City

5 officials down the line which made you believe that

6 your application was being acted upon?

7 A. **No, quite the opposite.**

8 Q. Okay. When you inquired about the

9 application, did you receive a letter from people down

10 the line indicating that they were processing your

11 application or considering it?

12 A. **That that -- it was obviously not being**

13 **processed. The only thing that was originally missing**

14 **was a box that says what zone, and I'm in MD Zone,**

15 **Manufacturing and Distribution Zone.**

16 **The application has no other places. I**

17 **mean, that was the only thing that was missing.**

18 Q. Okay.

19 A. **I did have a conversation, a fairly**

20 **lengthy conversation, with Mr. Clemenson in his office**

21 **about why it was being drug -- why this was taking so**

22 **long.**

23 MR. PETRO: May I approach.

24 THE COURT: Yes.

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1 MR. PETRO: A letter from -- a letter from

2 Mr. Clemenson that's dated "January 4," he's the one

3 that responded to you when you wrote your letter on

4 January 2nd, is that correct.

5 A. **Yes.**

6 Q. Okay. That isn't a letter from Miss Emery

7 saying, "You owe fees or your application is not

8 complete", is it?

9 A. **Actually, the application being not**

10 **complete --**

11 Q. Just --

12 A. **No, it is not. It doesn't say anything**

13 **about it.**

14 Q. Okay.

15 And Mr. Clemenson is the person that down

16 the line would eventually get your application, is

17 that correct, if Miss Emery put it in the regular

18 process?

19 A. **Actually, Mr. Limb, who works for**

20 **Mr. Clemenson, would.**

21 Q. Okay.

22 A. **Mr. Clemenson, normally, wouldn't be**

23 **involved.**

24 Q. One or the other would be involved, is

25 that correct?

<p>(Discussion off the Record.)</p> <p>A VOICE: Miss Emery --</p> <p>(Discussion off the Record.)</p> <p>THE COURT: Okay, Number 6 will be received.</p> <p>(State's Exhibit No. 6 admitted.)</p> <p>CAROL EMERY,</p> <p>called as a witness, having been duly sworn,</p> <p>was examined and testified as follows:</p> <p>DIRECT EXAMINATION</p> <p>BY MR. PETRO:</p> <p>Q. Would you please state your name?</p> <p>A. Carol Emery.</p> <p>Q. And, Miss Emery, are you employed by Pleasant Grove City?</p> <p>A. I am.</p> <p>Q. And how long have you been employed by Pleasant Grove City?</p> <p>A. Since '97; probably about six years.</p> <p>Q. And has your position at Pleasant Grove City always remained the same?</p> <p>A. No.</p> <p>Q. Tell us about your work history at Pleasant Grove, what titles and positions you've held?</p> <p>A. I started as part-time front desk, and</p> <p style="text-align: right;">133</p>	<p>1 Q. Okay. Now, you don't deny that Mr. Orvis</p> <p>2 came in and applied for a license, do you?</p> <p>3 A. He came in.</p> <p>4 Q. And he filled out a license -- and may I</p> <p>5 present you with Plaintiff's Number 6 (Handing).</p> <p>6 Can you identify that?</p> <p>7 A. That's the first application.</p> <p>8 Q. All right. And what's the date on that</p> <p>9 application?</p> <p>10 A. "August 23rd, 2001."</p> <p>11 Q. Okay. Was that presented to you?</p> <p>12 A. Yes, it was.</p> <p>13 Q. Okay. Now, that is a photocopy. Do you</p> <p>14 know what happened with the original copy of that</p> <p>15 application?</p> <p>16 A. The originals are sent to Community</p> <p>17 Development; is currently -- I'm not sure where it is</p> <p>18 currently because he did a second application.</p> <p>19 Q. All right. After you receive that</p> <p>20 application, what would you have done with it?</p> <p>21 A. Would have made a photocopy for myself and</p> <p>22 would have sent the original to Community Development</p> <p>23 for approval.</p> <p>24 Q. And did you do that?</p> <p>25 A. Conditionally.</p> <p style="text-align: right;">135</p>
<p>around 1998, I was put over Business Licensing.</p> <p>Q. All right. What is your -- what is your title at Pleasant Grove?</p> <p>A. I'm a Certified Business Licensing Official.</p> <p>Q. So you are a Certified Business Licensing - what's the rest of it?</p> <p>A. Official.</p> <p>Q. "Official"?</p> <p>A. Yes.</p> <p>I wasn't at that time.</p> <p>Q. All right. In 2001, when Mr. Orvis presented his application to the City, what was your title at that time?</p> <p>A. Business Licensing Official.</p> <p>Q. All right. So I assume --</p> <p>A. Probably just clerk.</p> <p>Q. So I assume what you are telling me is since that time, you have obtained some kind of certification?</p> <p>A. Yes.</p> <p>Q. All right.</p> <p>Who was -- at the time that Mr. Orvis made the application, who was the Zoning Administrator?</p> <p>A. Ray Limb.</p>	<p>1 Q. Okay. Who else did it go to?</p> <p>2 A. Community Development. It goes over for</p> <p>3 zoning, and it goes over for building and any other</p> <p>4 inspections.</p> <p>5 Q. Okay. Was there ever anything given to</p> <p>6 Mr. Orvis in writing that his application was not</p> <p>7 complete?</p> <p>8 A. Not -- does not come out of any office.</p> <p>9 Q. Are you aware of anyone from the City</p> <p>10 advising Mr. Orvis that his application was not</p> <p>11 complete?</p> <p>12 A. I'm not aware of that.</p> <p>13 Q. Are you saying that you don't make the</p> <p>14 determination concerning whether the application is</p> <p>15 complete?</p> <p>16 A. I do not.</p> <p>17 Q. All right. So, once you accept it, you</p> <p>18 put it in process, and then it's --</p> <p>19 A. I don't make the zoning decisions. I</p> <p>20 don't make the building decisions. What I do is I</p> <p>21 gather the information, I get the applicable state</p> <p>22 information, things like that and I have to have</p> <p>23 everything in hand before everything is done.</p> <p>24 So I am not sure if that answers your</p> <p>25 question.</p>

Q. Well, let me summarize it in another way:
What you do is you take the application
and you forward the application to Community
Development, and then someone down the line makes a
decision concerning whether or not the application is
complete?

A. **They do it on their specific things.**

Q. Okay. And so it might go to Community
Development if it's -- it might go to the person that
does the fire inspections, it may go to a variety of
people within the City to make a determination about
whether or not the application is complete?

A. **Yes.**

Q. Okay. And would you agree there's really
not anyway for the individual that's applied for the
license to know whether or not the application is
complete without notification from the City?

A. **I don't think I agree with that.**

Q. Well, how else would they know?

A. **I believe they can make phone contact.**

Q. Okay. So, is it your suggestion then that
once somebody submits an application, it's their
responsibility to continuously call the City to
inquire concerning --

A. **Yes.**

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Q. -- the status of the license?

A. **Yes.**

Q. And that the City doesn't have any
obligation to inform anybody in writing --

A. **Especially when there's a question.**

Q. Okay.

A. **When there's a question on it.**

Q. Well, there is a lot of applications where
there's questions, wouldn't you agree with that?

A. **No.**

Q. So your testimony is that there are
questions in applications generally?

A. **Not on very many.**

Q. Out of the 300 that we've been talking
about -- and you've been here for all of the testimony
-- how many of them were there questions about on
those 300?

A. **A list was sent over on -- around 85 that
didn't comply, there was questions on some of those.**

Q. Okay. Well -- so what percentage of those
85?

A. **Probably under 70.**

Q. Well, 70 is like 25, 30 percent. So we've
got 25 to 30 percent of the 300 that aren't complete,
so that what you are telling me, where there's

1 questions about them?

2 MR. SCHREINER: Judge, object because I
3 think they are talking about two different things: I
4 think Mr. Petro wants to know how many applications
5 were confusing or not complete. She's testifying that
6 there's 85 that didn't come into compliance.

7 THE COURT: Okay. So --

8 MR. SCHREINER: I want to know how they --

9 THE COURT: Proceed.

10 MR. PETRO: Out of the 300 that were sent
11 letters and out of the people that applied out of that
12 300, how many of them had problems with their
13 applications where the applications were not complete?

14 A. **How could they have problems with their**
15 **applications if they never came in and filled them**
16 **out?**

17 Q. No, I'm saying out of the ones that did
18 fill them out, how many had problems with the
19 applications where they were not complete?

20 A. **I had 14 out of that 85 that responded.**
21 **And those that came in and applied, they applied -- I**
22 **had one gentleman that there was a question on his,**
23 **and he's the one that we listed previously. And his**
24 **was -- his was something that we needed to look into.**

25 Q. Okay. But, again, you are not the person

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1 who makes the decision concerning whether or not the
2 application is complete or not, isn't that true?

3 A. **I don't make the decision on the zoning**
4 **and the building and the fire inspections.**

5 Q. So you don't make a decision about whether
6 that portion of the application has been complied
7 with?

8 A. **I don't make a decision on that.**

9 Q. Okay.

10 But you do make a decision about where the
11 application on its face appears to be complete, is
12 that true.

13 A. **I would guess so.**

14 Q. Okay. And did Mr. Orvis' application on
15 its face appear to be complete?

16 A. **No.**

17 Q. Okay. Was he ever advised that in
18 writing?

19 A. **No.**

20 Q. Okay. Did you accept the application and
21 send it on to Community Development?

22 A. **When Mr. Orvis gave me the application, I**
23 **explained to him it was not complete.**

24 Q. But in spite of that you forwarded the
25 application on to Community Development?

A. **On conditions.**
 Q. Well, did -- who did you advise it was conditional?
 A. **Mr. Orvis.**
 Q. Okay. And did you do that in writing?
 A. **Verbally.**
 Q. So you don't have anything in writing today confirming that you took that application conditionally or that it was not complete?
 A. **It was all verbal.**
 Q. Okay. How many other licenses have you accepted since you've been a Certified Business Licensing Official where you've accepted conditional applications that didn't have the fee and didn't have any of the other documentation? Didn't have all of the required --
 A. **I couldn't give you a number because, normally, the only time it's conditional is if it's a decision whether they are a minor or Major Home Occupation.**
 Q. Okay. So there was a question about whether it was a minor or a Major Home Occupation?
 A. **Definitely.**
 Q. Okay. And because of that, that's the reason you didn't have him pay the fee, is that

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correct?

A. **I told him because it wasn't complete, because it couldn't be approved, I couldn't process it, I couldn't charge him a fee.**
 Q. But when you say you couldn't process it, you did forward it on to Community Development?
 A. **On the condition that he get in touch with Community Development, find out what zone he's in, whether he can come in as a minor or major or commercial.**
And until I knew, I could not charge him a fee.
 Q. Okay. Well, why didn't you just have him do that in advance, find out whether it was major or minor, take the fee, take the other documentation, make sure it was correct?
 A. **Because he wasn't sure at the time.**
 Q. Okay. And again nothing in writing from you, nothing in writing that you are aware from any other City official?
 A. **(No audible response.)**
 Q. And no denial of the application?
 A. **Not that I'm aware of.**
 MR. PETRO: Okay. I don't have any other questions.

1 THE COURT: Cross?
 2 CROSS-EXAMINATION
 3 BY MR. SCHREINER:
 4 Q. Miss Emery, you were the one for
 5 Pleasant Grove that receives Applications for
 6 businesses, correct?
 7 A. **Yes.**
 8 Q. So, if someone wants to operate a business
 9 within Pleasant Grove, they come in, they make an
 10 application and there's a number of different kinds of
 11 businesses that you can qualify as?
 12 A. **Yes.**
 13 Q. You assess what kind of business based on
 14 what they tell you, what kind of business they want to
 15 run, correct?
 16 A. **Yes.**
 17 Q. And you help people make that
 18 understanding?
 19 A. **Yes, I try.**
 20 Q. Okay. And Mr. Orvis, based on your
 21 conversations with him, probably knows more about that
 22 process than most people I would assume?
 23 A. **Yes.**
 24 Q. He knows what qualifies as a minor, what
 25 qualifies as a major, what qualifies as a commercial

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1 and so on and so on, correct?
 2 A. **Yes.**
 3 Q. Okay. Now, when he came in to make
 4 application for his business license, what happened?
 5 He came in. I assume he handed you some
 6 kind of application; is that correct?
 7 A. **When he came in, I followed the procedure**
 8 **that I follow with every applicant that comes in: I**
 9 **ask him what kind of business he was so I could pull**
 10 **the correct forms.**
 11 **He said he could go either way -- he could**
 12 **go commercial or home.**
 13 **I asked him what he'd to do.**
 14 **He said, "Let's go with the home."**
 15 **I got out the paperwork, and I started to**
 16 **go down the list and explain to him name,**
 17 **registration, state sales tax. He is a home**
 18 **occupation; told him what the fees were and talked to**
 19 **him -- I don't believe I talked to him about the fire**
 20 **inspection at that time because that's kind of a**
 21 **conditional thing.**
 22 **We got to the conditional use permit for**
 23 **-- where you determine whether you are a minor or**
 24 **Major Home Occupation.**
 25 **I asked him what kind of home occupation**

and no, Judge, if I could --

THE COURT: Well, then ask her what her
b --

MR. SCHREINER: Okay.

THE COURT: -- job -- specific job
description was at the time this occurred.

MR. SCHREINER: What was your job on
August 23rd, 2001.

**A. To license those individuals who were
doing business in Pleasant Grove.**

Q. Okay. And people would come in with an
application, a completed application?

**A. They come in and get an application from
me.**

Q. Okay. And they get the application and
they get whatever is required of that application?

A. Yes.

Q. Correct?

And then they submit to you the completed
application which has approvals or denials as it
relates to inspections and those types of things, so
there's more than one approval or denial, correct?

A. Yes.

Q. Okay. And you compile all that, and if
they meet all of the requirements for the business

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application, you approve or deny --

A. I do --

Q. -- correct?

**A. -- I process and give them their
certificate.**

Q. Okay. So you kind of decide whether or
not they are approved or denied.

You send out a letter?

A. I send their certificate.

Q. Okay --

THE COURT: This is what she did -- what's
her responsibility --

MR. SCHREINER: This was her job at that
time.

THE COURT: Entirely different testimony,
then, than what she testified to.

MR. SCHREINER: I think she was confused
as it relates to inspections and those types of
things. No, she didn't --

THE COURT: So she doesn't need to send it
on zoning then?

MR. SCHREINER: Yeah, to get their
approval. So you come in, you get a business
application. They're various approvals that you need
before she can say it's complete and approve the

1 license.

2 THE COURT: So she denies or accepts it at
3 that time?

4 MR. SCHREINER: At the end.

5 THE COURT: At what end?

6 MR. SCHREINER: Well -- well, it depends.
7 If it comes in and it's incomplete, she would then
8 say, "It's not complete. I can't accept it. I can't
9 process it."

10 THE COURT: Well, accept -- denied or
11 accepted.

12 MR. SCHREINER: Denied or approved?

13 THE COURT: Yeah.

14 MR. SCHREINER: Okay.

15 In Mr. Orvis' case, did you deny or
16 approve Mr. Orvis' application.

17 **A. I told him it wasn't completed.**

18 **Q.** Okay. So you never got to the point of
19 approving --

20 THE COURT: That's not answering the
21 question.

22 MR. SCHREINER: Okay.

23 THE COURT: I want to know because,
24 apparently, she passed -- she passed it on. So that's
25 where the confusion is.

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1 But it was incomplete, she has the part to
2 deny or approve it, right?

3 MR. SCHREINER: I think where she comes
4 in, Judge, she approves or denies after she's had a
5 chance to look at the completed application, which she
6 never got in this case.

7 Because they never did the inspections,
8 Judge.

9 THE COURT: Okay, I guess then the thing
10 is: Why accept something that's incomplete?

11 MR. SCHREINER: Well -- and she talked to
12 him about it. I don't know that she did accept it.
13 She forwarded it on --

14 THE COURT: No. No, why did she keep it?
15 Why didn't she just return the application to the
16 individual? I guess that's what basically --

17 MR. SCHREINER: Yeah.

18 THE COURT: -- I want to know.

19 MR. SCHREINER: Well -- and I --

20 Let me ask you: Did you have a
21 conversation with Mr. Orvis regarding the completeness
22 of the application?

23 **A. I did.**

24 **Q.** Did you keep the application --

25 **A. I believe so.**

Q. -- or did you make a copy of it?

A. **I believe I probably kept it, and I made a copy. It goes into a box for Community Development for them to come get.**

Q. Okay. And did you tell Mr. Orvis that it is going to go to Community Development?

A. **I told him that it would go over to Community Development, but it was conditional on him checking with Community Development on what his zoning was.**

Q. Now, explain this to me: What do you mean, "conditional"?

A. **Well, I couldn't -- I couldn't charge him the fee. And normally when people come in, I can say, "Okay, you are a Minor Home Occupation, it's \$85 fee," and they pay; or "You are commercial", and they pay. I didn't know what Mr. Orvis was, and I asked --**

Q. Why not?

A. **Because he was very vague. I felt he was dishonest in his responses --**

MR. SCHREINER: Objection; it's not responsive to the question.

THE COURT: Yeah, I'll sustain the objection there. I just -- I --

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Ask the question.

THE WITNESS: Okay.

I felt I didn't get all the information that I needed for the application, and so I want him to understand.

MR. SCHREINER: Objection; she's narrating --

MR. SCHREINER: This is cross

THE COURT. No, overruled. She can testify.

Go ahead.

MR. SCHREINER: Go ahead.

A. **And because I felt because that it was becoming confrontational with Mr. Orvis, I felt that I needed to understand I needed to know what zone he was in, it was his responsibility to find that out, that he would send the application over but he would find out what correct zone he was in.**

Q. So you sent the application over to Community Development to determine what kind of zone he was in and what --

A. **So he could -- they like -- they prefer to do the paperwork and --**

Q. Okay. And so they could determine what

1 could do, correct?

2 A. **Yes.**

3 Q. And you were unclear as to all that when

4 Mr. Orvis came in?

5 A. **Yes.**

6 Q. Why were you unclear?

7 A. **Because I understood there was more than a**

8 **home office --**

9 Q. Okay. You communicated that to Mr. Orvis?

10 A. **-- more than a home office, yes.**

11 Q. Did you ever tell Mr. Orvis whether or not

12 his application was complete?

13 A. **I told him it was not completed.**

14 Q. You told -- so you are positive that you

15 told him the application was not complete and that you

16 couldn't approve or deny it?

17 A. **I can't do anything with it until it's**

18 **complete and all the approvals.**

19 THE COURT: She didn't answer the

20 question. I want an answer. Why did she accept the

21 application? Why didn't she just return it to him?

22 MR. SCHREINER: And, Judge, I think the

23 answer to that is she was trying to be helpful. She

24 would put it in a box for Community Development to

25 forward it to them to check the zoning.

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1 She didn't keep it. She made a copy for

2 her records. She didn't keep the application. She

3 sent it on to Community Development so they could

4 check it out --

5 THE COURT. But that's her job -- her job

6 to determine if it's complete or not.

7 MR. SCHREINER: And then told Mr. Orvis

8 "You need to check with Community Development on your

9 zoning. Your application is not complete."

10 THE COURT: Okay. I guess what concerns

11 me. If they have a policy, you got -- if the

12 application is not complete, they still can accept the

13 application?

14 MR. SCHREINER: They -- I don't know,

15 Judge. It depends on your definition of "accept".

16 She didn't accept for --

17 THE COURT: She physically accepted the

18 application.

19 MR. SCHREINER: She didn't accept it for

20 review. She --

21 THE COURT: Why didn't she return it?

22 MR. SCHREINER: She thought she was doing

23 the exact same thing. She could have given it to --

24 THE COURT: Okay --

THE COURT: What's the policy?
 MR. SCHREINER: What's the policy regarding --
A. Now, the policy is that I will not take an application until we have all the pertinent information.
 Q. And why is that?
A. Because of this.
 THE COURT: Was there a policy at that time?
 MR. SCHREINER: At the time, did you have a policy.
A. No, not that I was aware of.
 Q. Is it your testimony you were merely trying to help Mr. Orvis by forwarding it on the Community Development?
A. Yes.
 Q. Were you clear to Mr. Orvis that the application was not complete?
A. I believe so.
 THE COURT: What's the policy of when someone don't have the money to pay for the application? Was there a policy?
 MR. SCHREINER: Next thing I was going to ask:

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What about the fee?
A. Yes.
 Q. I believe you testified that you couldn't assess what fee to have him pay because you didn't know what kind of business he was doing?
A. That's correct.
 Q. Okay. And do you rule on -- is the application complete without a fee?
A. I don't --
 MR. SCHREINER: I think she can answer that without looking at Miss Peterson.
 THE WITNESS: I don't believe so
 MR. SCHREINER: So --
A. Is the application complete without the fee?
 THE COURT: Well, let me see -- isn't the application for a minor or major?
 THE WITNESS: I'm not sure what he's asking.
 MR. SCHREINER: The application, Judge --
 THE COURT: The application he filled in.
 MR. SCHREINER: -- for a Minor Home Occupation --
 THE COURT: Okay. Ask her what the fee for that is.

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1 THE WITNESS: For a Minor Home Occupation
 2 it's 50 for the licensing fee and 35 for the
 3 conditional use.
 4 THE COURT: Okay. So that's the
 5 application. At least he did that.
 6 THE WITNESS: He filled that out.
 7 THE COURT: Okay. So...
 8 MR. SCHREINER: And then she had some
 9 questions as to whether or not that's actually what he
 10 was doing
 11 THE COURT: Well --
 12 MR. SCHREINER: And that's why --
 13 THE COURT: But the application was made,
 14 so she knew he had been accepted at that time.
 15 Regardless of what she talked, it's a minor
 16 application, you pay X amount of dollars, a major
 17 application, the fees -- so she -- I want to know why
 18 she didn't charge him a fee when he says minor
 19 application.
 20 MR. SCHREINER: Okay. Why didn't you
 21 charge him the fee.
 22 THE COURT: I mean, she knew what the fee
 23 was.
 24 THE WITNESS: I knew what the fee was for
 25 Minor Home Occupation, but the question was: Was he

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1 minor, major or commercial --
 2 THE COURT: Well, that was his
 3 application, was a minor.
 4 THE WITNESS: Because Major Home
 5 Occupation --
 6 THE COURT: No -- but he didn't fill in a
 7 major application, it was a minor. I'm trying to get
 8 to the root of this.
 9 MR. SCHREINER: Right. And the root --
 10 THE COURT: Let her answer the question,
 11 why didn't she accept the \$25 or 50 for minor
 12 application?
 13 THE WITNESS: In conversing --
 14 MR. SCHREINER: Let me ask you this.
 15 Did he offer to pay the fee?
 16 **A. In conversing with Mr. Orvis about the**
 17 **fee, he preferred not to pay it at that time because**
 18 **we didn't know what it was going to be.**
 19 Q. So he wanted you to clarify what kind of
 20 business he was going to run?
 21 **A. I think -- he just said that "let's not do**
 22 **the fee at this time."**
 23 Q. Why?
 24 **A. Because we weren't sure if he was minor or**
 25 **major, is my understanding.**

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Q. Okay.
A. **And I even thought he may come in as a commercial.**

Q. And he wanted you to clarify that before you assessed the fee?

A. **He wanted to have that understanding.**

Q. Okay. And you can't consider it a completed application until you figure that out, is that right?

A. **That's right.**

THE COURT: Is there a policy now -- now the policy is you, I guess -- I guess she could have returned the application to him and said, "When you wake up your mind" --

MR. SCHREINER: Yeah.

THE COURT: -- you come back."

MR. SCHREINER: And she tried to help him out and forwarded it to Community Development

THE COURT: What was the policy? Was that permissible at that time?

MR. SCHREINER: Was that standard practice

THE COURT: Does the City have a policy of people who don't know what they want to still accept the application and pass it on? I am just curious.

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I know now they have a policy that she won't do that, but what about at that time?

Was there a policy?

Was there any standard operational procedure for these individuals to know what they are supposed to do?

THE WITNESS: I'm not sure if I understand what he's....

THE COURT: Okay. What's your office policy at that time, then? You said there was no policy

THE WITNESS: When they came in and --

THE COURT: Yeah.

THE WITNESS: -- and we'd go through the minor and Major Home Occupation --

THE COURT: No. If they don't pay -- if they don't have the money, you still accept something from them, was that permissible?

THE WITNESS: Yes, there were times where they didn't have the payment then.

THE COURT: All I'm saying is: So you won't have a policy that prevents you from doing that?

THE WITNESS: I don't believe so

THE COURT: Believe or know so

THE WITNESS: I don't know -- I don't

1 know

2 MR. SCHREINER: Well, would you accept
3 applications without payment of the fees.

4 A. **I have, uh-huh.**

5 Q. Okay. Why would you do that?

6 A. **Oh, various situations like "I don't get
7 paid until such and such a time" or -- and that's
8 usually the only time. Someone will say, "I don't
9 have the money right now. Will you let me know when
10 things are approved, and then I'll"...**

11 Q. Okay. Now, would you ever approve a
12 business license -- would you even consider it until
13 they actually came back and paid the fees?

14 A. **Normally when it comes back to me and the
15 signatures are on it, I will contact the applicant and
16 tell them they need to come in and pay so I can finish
17 processing.**

18 Q. Okay. So, even back then, your normal
19 procedure, policy, was to get the fee before you could
20 complete --

21 A. **Collect and process and --**

22 Q. You received --

23 A. **-- anything.**

24 Q. -- from Mr. Orvis?

25 A. **No, I did not.**

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1 Q. You are clear that Mr. Orvis said, "Let's
2 wait. I won't pay the fee now. Let's wait until we
3 are clear on what I'm doing"?

4 A. **I think that was the agreement, yes.**

5 Q. Was the process -- was the application
6 complete?

7 A. **No.**

8 Q. Now, Mr. Petro asked you somewhat briefly
9 how many people you had problems with, with their
10 applications, correct?

11 A. **Uh-huh.**

12 Q. He asked you that?

13 A. **Yes.**

14 Q. How long have you been doing this?

15 A. **I believe December of '98.**

16 Q. Okay. And how many times would you say
17 that you dealt with applications similar to
18 Mr. Orvis', the process?

19 A. **Not very many.**

20 Q. Handful?

21 A. **Yeah -- yes.**

22 Q. Less than a handful?

23 A. **Probably.**

24 Q. Probably what?

25 A. **Probably less than a handful.**

Q. Okay.

A. **With them not knowing about minor and major?**

Q. Uh-huh.

A. **Is that what you are referring to?**
There's not very many.

Q. Okay And what do you typically do if the person coming in for a license doesn't know if they are a minor or a major?

A. **I ask them to check with Community Development.**

Q. Okay

A. **A lot of times it's verbally over the phone, and I ask them to check before they come in.**

Q. Okay. And did you do that with Mr. Orvis?

A. **Not over the phone. When he came in, I asked him to check.**

Q. When he came in --

A. **Yes.**

Q. -- you told him "The application is not complete, you need to check with Community Development, but I'll put the it in their box so they can start on it"?

A. **Yes.**

Q. Is that what happened?

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A. **Yes.**

MR. SCHREINER: Nothing further at this time, Judge.

MR. PETRO: Just a couple more questions:

REDIRECT EXAMINATION

BY MR. PETRO:

Q. Okay, the date of Mr. Orvis' application was what?

A. **August 23rd.**

Q. So, on August 24th, what would you consider to be the status of Mr. Orvis' application?

A. **It's not in my department.**

Q. Well, I mean, is it -- was the application being considered?

A. **It's not my department.**

Q. Was the application waiting for approval or was it just something that you took but if the City wasn't going to do anything until Mr. Orvis got back with them?

A. **On the 24th, it would have been over at Community Development.**

Q. So they were actually acting upon his application?

A. **I don't know.**

Q. Could the -- could the application as

1 Mr. Orvis had presented it, could it have been

2 approved?

3 A. **It would depend on his inspections. It**

4 **would depend on what he found out when he talked to**

5 **the Zoning and Community Development.**

6 Q. So you are saying that he look the

7 application and you took it without a fee and that

8 you've taken applications without a fee before?

9 A. **Yes.**

10 Q. So the fact there wasn't a fee paid wasn't

11 fatal to the application, is that true?

12 A. **That's usually the case.**

13 Q. Okay And you never subsequently asked

14 Mr. Orvis to pay the fee, is that true?

15 A. **When did I never ask him to pay the fee?**

16 Q. Ever Did you ever ask him to pay the fee

17 after that date?

18 A. **I felt like it was over at Community**

19 **Development and they were to follow through.**

20 Q. I'd like to hand you a memo as to Ray

21 Limb, Zoning Administrator It's dated, "September

22 26" from you And it lists licenses that are on hold,

23 other business licenses that there's questions upon.

24 And then in Paragraph 6 it states: "Other licenses

25 waiting for approval are:"

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1 And is Mr. Orvis' business listed in

2 Paragraph 6?

3 A. **Yes, he is.**

4 Q. So, in the classification in your letter,

5 Mr. Orvis is listed, and go ahead and read the heading

6 again?

7 A. **"Other licenses waiting for approval are:"**

8 Q. So, is it your testimony that on September

9 2001 that Mr. Orvis' application for a license was

10 waiting approval?

11 A. **To my understanding, yes.**

12 Q. All right

13 So to your understanding the City was

14 working on it and there wasn't anything that had

15 eliminated his application, correct?

16 A. **I didn't have knowledge of that.**

17 Q. Okay. Well, you did -- advised the Zoning

18 Administrator that it was waiting approval, did you

19 not?

20 A. **I knew it was over at his office, and I**

21 **hadn't seen it come back.**

22 Q. Exactly You didn't have any knowledge

23 that it wasn't being acted upon?

24 A. **I knew that it was over at Community**

25 **Development.**

MR. SCHREINER: I don't have any other questions.

I'd move to admit Defendants Exhibit Number 7, Judge.

THE COURT: Objections?

Any objections?

MR. SCHREINER: May I see it?

MR. SCHREINER: I have no objection.

THE COURT: Okay. Received.

Can I see it?

(Defendant's Exhibit No. 7 admitted).

MR. SCHREINER: Can I ask her about it?

THE COURT: Okay. Go ahead.

RE-CROSS-EXAMINATION

MR. SCHREINER:

Q. This is to "Ray Limb, Zoning Administrator", correct?

A. Yes.

Q. From yourself?

A. Yes.

Q. Number 1 says:

"These licenses have been placed on hold per request?"

A. Yes.

Q. What does that mean?

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1 Q. Okay. And, I mean, you could have put all
2 of these businesses under a list and said, "Check on
3 these, there's various reasons why -- we just need
4 some clarification," correct?

5 A. I could have, yes.

6 Q. Number 3, "A business License
7 renewal list for 2001."

8 What's that?

9 A. Those are the businesses that -- let me
10 see where we are.

11 Those are the businesses that I still had
12 out that had not renewed for 2001, and normally follow
13 through on that comes through Community Development.

14 After I've made all of my attempts to
15 contact them and get them to renew, then it's turned
16 over to Community Development to make sure that they
17 renew.

18 Q. Okay. And Number 4:

19 "State sales tax

20 notification "

21 What's that?

22 A. Yes. That was from that meeting.

23 Q. Okay. What is that exactly as it relates
24 to this letter? What are you saying in this letter
25 under that?

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And then it lists one, two, three, four businesses I'm assuming?

A. That meant that there were conditions, there were things that they hadn't complied with. I believe some of them were renewals, and they hadn't received, like, a fire inspection or there had been complaints made.

Q. Okay. And Number 2, these are other business licenses that there are questions on, is that correct?

A. Yes.

Q. Then there's another four businesses?

A. Yes.

Q. Okay. What's the difference between 1 and 2?

A. 1, is like they were renewal, and they had been -- take Plato's Catering (Phonetic), he was supposed to have a fire inspection and a health inspection. He hadn't complied with that with his renewal, so he was on hold until he met those.

Q. Okay.

A. And 2, it looks like they needed to go before the Planning Commission for conditional use permits. They were trying to do major home occupations from what it looks like here.

1 A. That those that were on the non-compliance
2 list that had been sent to Ray, that I needed to have
3 information on what the status of that was.

4 Q. Okay. So that list is different than 6?

5 A. Yes.

6 Q. And Mr. Orvis is on 6, he's not on 4?

7 A. Yes.

8 Q. So, really, that whole list is irrelevant
9 to Mr. Orvis?

10 A. Yes.

11 Q. And, Number 5, what's that?

12 A. Those that needed to have fire
13 inspections. They'd receive letters of notification
14 or phone calls, and it was up to Community Development
15 and the Fire Department to follow through.

16 Q. Okay. And so there was another list?

17 A. Uh-huh.

18 Q. Okay. And then Number 6, what's that?

19 A. These are businesses that had turned in
20 application that had been sent over to Community
21 Development waiting for Zoning and Building approval.

22 Q. Okay. So were any of these completed
23 applications?

24 A. They -- I believe Mr. Orvis' was the only
25 one that wasn't one that I knew on that (Inaudible).

Q. Is that because you didn't know --

A. **Well, a lot of these --**

Q. -- wanted?

A. **A lot of these -- there's commercial in here, and that's pretty definite. When they are commercial, you know, you know they are okay.**

Q. Okay. Let me back up: Now, when you put Mr. Orvis' application in the Community Development file, or whatever it is you do, did you put a note on it?

A. **Let me check.**

Q. Saying why it was there and what you wanted them to do or what needed to be done?

A. **Do you know, I noted my copy, but I don't believe I noted the one that went over -- the original that went to Community Development.**

Because Mr. Orvis told me when he left --

MR. SCHREINER: Objection, Judge; it's not responsive to the question.

THE COURT: Sustained.

MR. SCHREINER: Well, it is responsive. I am asking if she put a note on it --

THE COURT: No, she said she didn't.

MR. SCHREINER: Why didn't you put a note on it.

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A. **I assume Mr. Orvis was going to find out the information and let me know.**

Q. Okay. And why didn't you just give that application back to Mr. Orvis and say, "Go to Community Development, get the appropriate inspections, find out what kind of zone you are in, what kind of businesses you are doing and come back"?

A. **Inexperience.**

Q. Did you communicate that that's what Mr. Orvis was to do, though?

A. **Yes.**

Q. Okay. So now you are clarified. But as far as you are concerned, on that date you were clear to Mr. Orvis?

A. **I believe I was clear with him.**

Q. That he needed to go to Community Development and get the proper -- and find out what he could and could not do?

A. **Yes.**

Q. So, on Number 6, when it talks about "Design Fabricators, Inc.," which is Mr. Orvis' business, it says, "Filed: August 23rd, 2001"?

A. **That's when he turned it in to me.**

Q. Okay. That doesn't state that it was completed or not, does it?

1 A. **No, that's just when he submitted it.**

2 MR. SCHREINER: Thank you.

3 THE COURT: Can I see Number 7?

4 MR. SCHREINER: Yes.

5 THE COURT: I'm going to ask some

6 questions here.

7 Was this memorandum as an inquiry or --

8 THE WITNESS: He was following through.

9 THE COURT: "Follow through."

10 THE WITNESS: See what the status.

11 THE COURT: Okay, I guess -- is Number 6,

12 "other licenses waiting for approval," I guess -- I

13 made a note here, the question was asked

14 hypothetically, I guess, in August 24th, what you

15 thought the status of the license application was and

16 you said you didn't know.

17 THE WITNESS: I did not know at the time.

18 THE COURT: When did you know that it was

19 pending for approval then?

20 THE WITNESS: Well, the entire time that

21 it's over at Community Development, I assume it's

22 pending approval.

23 THE COURT: Okay. Well, that clarifies

24 it.

25 So your testimony is that any time you

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1 send it to Community Development, then it's pending

2 approval?

3 THE WITNESS: Yes.

4 THE COURT: Okay. Because -- thank you,

5 because your testimony was you didn't know whether it

6 was pending approval or not. That's what you just

7 testified to.

8 MR. SCHREINER: Yeah.

9 Are you talking pending your approval or

10 pending approval from the Zoning and Community

11 Development?

12 A. **I'm not sure if I understand. I'm sorry.**

13 Q. Why would you send an application to

14 Community Development?

15 A. **For their approval.**

16 Q. For their approval regarding their

17 aspect --

18 A. **Yes.**

19 Q. -- of the application, correct?

20 A. **Yes.**

21 Q. And then you also wait for approval on

22 inspections?

23 A. **On inspections.**

24 Q. Okay.

25 A. **That's separate.**

Q. Okay. So -- and that would mean it's not a Minor Home Occupation, it would be a Major Home Occupation or something else?

A. **If we determined that from the inspection and from the visit, too.**

Q. And you can't determine that if you don't do an inspection?

A. **Correct.**

Q. Okay. So you can't approve or deny without doing an inspection?

A. **Correct.**

Q. Okay. So you went out to Mr. Orvis' business to conduct an inspection.

Did you have an appointment to do that?

A. **I don't remember that. I don't remember, but I did meet him at the door.**

Q. Okay. So you talked to Mr. Orvis about it?

A. **Yes.**

Q. And tell me the substance of that conversation?

A. **I need to look just a little bit, okay?**

Q. That's fine. Look through your notes.

A. **I came to the front door, and Mr. Orvis greeted me, pleasant and everything, and invited me**

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in. I just stepped into the front living room; maybe the door was still open.

I told him that I was here to perform a -- a site inspection.

Q. Okay.

A. **And in the voice of the conversation and -- Officer Toffler came. And then --**

I did in the conversation, though, asked him if I could inspect his outbuilding, and he said, "Not at this time."

Q. Now, why would you ask to inspect his outbuilding?

A. **I had information -- a conversation and information that there was businesses -- I mean, a business being done in the outbuilding.**

Q. Okay. So you had some reason to believe that it was not a Minor Home Occupation, but it was something else?

A. **Yes, that it wasn't just a computer business.**

Q. Okay. And you wanted to inspect to see if that was the case?

A. **Correct.**

Q. Okay. Did you ever conduct an inspection?

A. **I did not.**

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1 Q. Why not?

2 A. **One, Officer Toffler came, then we**

3 **actually left because of the situation; and also I**
4 **couldn't perform the inspection out in the building.**
5 **I was not allowed to do that at that time.**

6 Q. Okay. So did Mr. Orvis allow you or not
7 to conduct your inspection of the business?

8 A. **The complete inspection, no. I only got**
9 **to the front door.**

10 Q. Okay. Now, Mr. Limb, is the application
11 for business, is that complete prior to your doing
12 your inspections?

13 A. **No.**

14 Q. Why not?

15 A. **Because we -- we're required to do**
16 **inspections. We don't finish the application. That**
17 **goes back to the Business License. But we do do an**
18 **inspection. And if we raise any -- if there are any**
19 **questions, then we continue on. And we do that to**
20 **this date, too.**

21 Q. Okay. And were you able to do that
22 inspection to fulfill your part of the application
23 process?

24 A. **No.**

25 Q. Now, this was in September or October?

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1 A. **24th.**

2 Q. Last part of September?

3 A. **Yes, 2001.**

4 Q. Okay. And Miss Emery said that Mr. Orvis
5 came in and Mr. Orvis frankly testified that he came
6 in on August 23rd, correct?

7 A. **Yes.**

8 Q. To begin the application process?

9 A. **Yes, correct.**

10 Q. Do you know what happened between that
11 month there?

12 A. **I don't know.**

13 Q. Okay. You hadn't gone out to do
14 inspections prior to that, prior to the August 22nd --

15 A. **I don't remember that, no.**

16 Q. Okay.

17 MR. SCHREINER: Thank you.

18 THE COURT: Cross?

19 CROSS-EXAMINATION

20 BY MR. PETRO:

21 Q. Mr. Limb, now did you say that your
22 position that you obtained in May of 2001 was a new
23 position as Zoning Administrator?

24 A. **New to me. I was not employed by**
25 **Pleasant Grove City.**

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Q. Okay. But Pleasant Grove had a Zoning Administrator prior to you, isn't that correct?

A. **Correct.**

Q. Okay. They had Mark Sergeant, and you replaced him, is that correct?

A. **Correct.**

Q. But this was your first experience as a Zoning Administrator?

A. **Yes.**

Q. Okay. All right. When were you made aware of by Mrs. Emery that Mr. Orvis had made an application?

A. **I don't know when that was received.**

Q. All right. But Mr. Orvis was one of the number of people that were sent letters saying that they had to obtain a business license, is that correct?

A. **Yes.**

Q. And you heard the testimony today that in, I think, August of 2001, he applied for a minor license, is that correct?

A. **Correct.**

Q. Do you know how many -- approximately how many people as a result of the 300 letters that were sent out applied for business licenses?

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A. **I do not.**

Q. How many inspections did you do of premises that were requesting business licenses as a result of those three -- 300 letters that were sent out?

A. **I don't know on that.**

Q. Do you have an approximation?

A. **No.**

Q. So you don't know whether you did one or 300?

A. **We do them as they come in. We do keep a log now that we know how many.**

Q. Did you keep a log at that time?

A. **No.**

Q. All right.

Did you -- at that point in time -- and I am talking the latter part of 2001 -- was it typical for you to inspect the premises of everyone who had applied for a major or minor license?

A. **Wasn't typical. If we did have questions, yes, it is typical. But we hadn't had that -- since I was there, didn't have that come up.**

Q. So --

A. **So this is something that -- something that we would do. And we have the right to inspect or**

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1 **not inspect the premises to do that. And if there are**
2 **questions raised, then we do inspect.**

3 Q. Okay. So Mr. Orvis, is it fair to say
4 that his is one of the first properties you had
5 inspected in connection with the application for a
6 major or minor permit?

7 A. **More thorough inspection, yes.**

8 Q. All right. And then you -- then you
9 appeared at Mr. Orvis' door

10 What was the date again?

11 A. **24th of September, 2001.**

12 Q. And you had with you or you had
13 subsequently -- a person subsequently meet you, and
14 that was Officer Toffler?

15 A. **Yes. I was there first, though.**

16 Q. All right.

17 A. **And -- never mind.**

18 Q. Did you prearrange to have Officer Toffler
19 there, or did you notify him by cell phone or
20 otherwise to be there?

21 A. **Negative.**

22 Q. Either -- I mean -- I think either/or,
23 did he just show up?

24 A. **He was there -- he showed up, yes.**

25 Q. Okay. I wanted to know, did you --

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1 A. **I did not prearrange for Officer Toffler**
2 **to be there.**

3 Q. Okay. Why did Officer Toffler show up, do
4 you know?

5 A. **I think that's something that Officer**
6 **Toffler ought to --**

7 Q. Well, had Officer Toffler told you why he
8 show up? Do you have knowledge of it?

9 A. **Only verbal, that he was told to come.**

10 Q. And who told him to come? Has he told you
11 that?

12 MR. SCHREINER: Judge, I'll object on
13 hearsay. Officer Toffler is here. He can testify

14 THE COURT: I'm going to overrule. He can
15 object to hearsay, maybe, but he's asking the
16 question. He opened it up, so I'm going to allow the
17 question

18 MR. SCHREINER: Oh, that's right. We are
19 on cross

20 THE WITNESS: Okay. He was directed by
21 his supervisors, is how I understand it, to come.

22 MR. PETRO: Okay. Did you ever have an
23 occasion up to September 24th, 2001, where you -- not
24 where you, necessarily, but where a police officer
25 accompanied you on an inspection of a premise.

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MR. SCHREINER We'll object on relevance
MR. PETRO Well, we are talking about
specific enforcement and those sorts of things.

THE COURT. Overruled.

THE WITNESS As far as I know, not on a
business license.

MR. PETRO Okay Have you, subsequent to
September 24th, 2001, on a business license
application ever had a police officer accompany you on
an inspection

A. **No.**

Q. All right

Now, you came in -- Mr. Orvis invited you
in the front door?

A. **Correct.**

Q. And you indicated it was pleasant or
cordial, is that correct?

A. **Yes.**

Q. And then how long after he invited you in
did Officer Toffler show up?

A. **Maximum ten minutes, maybe five.**

Q. Okay And do you know what Officer
Toffler did when he arrived at the Orvis property?

A. **I do. After I had a conversation with
him.**

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Q. Okay Go ahead

A. **Okay. He stopped, he went out to the
outbuilding and thought I was there and I was not, and
so Officer Toffler had a conversation -- this is --
and then he came back and met me where I was at.**

Q. Okay Now, had you known Mr. Orvis prior
to this date?

A. **Yes.**

Q. And he knows the way things work in a
city, doesn't he? He is on the Planning Commission?

A. **Yes.**

Q. Don't you think it alarmed him just a
little bit that here you were and you are wanting an
inspection of his property and you have a police
officer show up or a police officer does show up?

A. **It's possible.**

Q. Okay And you asked him to inspect the --
the home, is that correct?

A. **Correct, where he was doing business.**

Q. Okay. And did he allow you to do that?

A. **Because of the confusion, we never did do
that. But I did ask him to also to inspect the
outbuilding, and he said, "Not today."**

Q. Okay But what -- did you ask him that
when Officer Toffler was there?

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1 A. **I don't remember.**

2 Q. Okay Well, you can understand why
3 someone, if a police officer was present might be
4 reluctant to let police officers walk through the
5 home, can't you?

6 A. **A police officer can do that.**

7 Q. Well, they can't

8 But wouldn't that cause you some alarm if
9 you had a police officer knock on your door and say,
10 "You know, City's conducting a little business We
11 just want to walk through and take a look at
12 everything in your home "

13 Wouldn't that alarm you?

14 A. **We never asked for that, anyway. It was
15 only where he was doing business.**

16 Q. Well, wasn't that his home in the
17 outbuilding, or you claim the outbuilding?

18 A. **What I'm saying is: On a home occupation,
19 whether it be major or minor, we ask to see every area
20 that they are doing business.**

21 Now, if they are not doing business in
22 that area, then we don't ask to see it. We don't ask
23 to see their res -- their -- anything else.

24 If they say they are doing business on the
25 table in their kitchen, that's where we do it. If

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1 **it's somewhere else, we conduct that.**

2 Q. Well, did you ask -- did you ask Mr. Orvis
3 if he was doing business in the outbuilding or not?

4 A. **I don't know if I asked that question.**

5 Q. Okay You just told me that you didn't
6 inspect unless they told you that they were doing
7 business there, but yet you still demanded that
8 Mr. Orvis allow you in the outbuilding?

9 A. **I had information that there is, a
10 business --**

11 Q. Okay And not only did you ask to
12 inspect, you brought a -- a police officer was sent
13 along with you, isn't that true?

14 A. **No.**

15 Q. Well, he was sent by somebody, isn't that
16 true?

17 A. **He wasn't sent by me.**

18 Q. But he was sent by someone?

19 A. **Correct.**

20 Q. Okay Now, you did this -- you did the
21 partial inspection I guess just by walking in the
22 door

23 When did you next talk to Mr. Orvis about
24 inspecting his premises or about his application?

25 A. **I don't remember that. He went on and**

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iled for a Major Home Occupation.

Q. Okay. And he was subsequently granted a Major Home Occupation, is that correct? Permit?

A. **In October --**

Q. Okay.

A. **-- of 2002 --**

Q. Okay.

A. **-- correct.**

Q. Okay. Mr. Orvis writes a letter to --
And this is Defendant's Exhibit

Number 1 --

It's addressed to "Stan, Amanda and Tina"
asking whether or not the permit has been approved.

Were you aware of that letter?

A. **I don't know.**

Q. Okay.

Now, on January 4th -- and it appears to
be in response to that letter because of the proximity
temporary or in time --

A. **Okay.**

Q. -- a letter goes back to Mr. Orvis from
Stanley Clemenson, who is Ph.D. PE, who's the
Community Development Director?

A. **Correct.**

Q. And he is your boss?

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A. **Correct.**

Q. Okay. Now, in that letter -- let me read
it to you. It says:

"Thank you for your
letter of January 2nd, 2002,
requesting a status statement
on your home occupation
application. Normally if a
drive-by inspection of the
property does not raise any
questions about the scope of
the work being performed at
the site, a home occupation
permit application is approved
by our Zoning Administrator
and sent over to the Licensing
Office. A drive-by visit --
your property had raised
questions about the work being
performed on the site. Our
Zoning Administrator determined
the application process was not
complete and that additional
information was needed. A
subsequent visit by Ray Limb

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1 and Officer Toffler did not
2 resolve those issues about
3 the potential scope of your
4 home occupation. We are
5 requesting that you schedule
6 a time to perform a full
7 inspection of the residence
8 and onsite buildings. If that
9 inspection is satisfactory and
10 no other issues are raised,
11 we can complete the application
12 process. Please let Mr -- or
13 please let Ray Limb know when
14 the inspection can be performed."

15 And that is on January 4th, 2002.

16 And you have seen that letter before,
17 haven't you?

18 A. **I have now.**

19 Q. Okay. Thank you. Now, between
20 September 2001 when you and Officer Toffler went to
21 Mr. Orvis' premises and January 4th, 2002, was there
22 any written correspondent -- correspondence sent from
23 your office to Mr. Orvis regarding his application?

24 A. **No.**

25 Q. Was there any verbal communication between

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1 your office and Mr. Orvis regarding his application?

2 A. **I don't remember.**

3 Q. So did this application just sit in limbo
4 or what happened to it?

5 A. **After that?**

6 Q. Yes. I mean --

7 A. **We were aware that other things happened
8 at that time.**

9 Q. Okay. Between September 2001 and January
10 4th, 2002, what happened with respect to his
11 application?

12 A. **I think you already know from the
13 correspondence on -- with my Director Stan Clemenson.**

14 Q. What I know is nothing happened, isn't
15 that true? It just sat there?

16 A. **Well, we determined from September 24th
17 that it needed to be a Major Home Occupation.**

18 Q. Okay. But was Mr. Orvis advised in
19 writing?

20 A. **I don't remember.**

21 Q. Was he advised verbally?

22 A. **I don't remember that.**

23 Q. Was he ever told his application was not
24 approved?

25 A. **I don't remember that; only on the 2001.**

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Q. And the only correspondence you are aware of to him is dated, "January 4th", and that's after he sends your office a letter "asking what is the status of my application"?

A. **I don't remember. I think that's it.**

Q. All right.

A. **Okay.**

MR. PETRO: I don't have any other questions.

THE COURT: Redirect?

REDIRECT-EXAMINATION

BY MR. SCHREINER:

Q. Mr. Limb, if you had a reason to believe that an application was different than what was actually happening at the location, what's your process for doing inspections?

A. **We -- we go to the site and inspect.**

Q. Okay. And you inspect for what?

A. **What type of business.**

Q. Whether the application they made is correct or not?

A. **Correct.**

Q. Okay. Mr. Orvis applied for a Minor Home Occupation, correct?

A. **Correct.**

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Q. Did you have information that he was operating something other than a Minor Home Occupation?

A. **Correct.**

Q. Did you need to inspect for that to see if he would have approval or not?

A. **Correct.**

Q. Were you allowed to do that?

A. **No.**

Q. If you can't conclude your inspections, can -- is the application complete for the business license?

A. **Not our inspection.**

Q. Okay.

A. **No.**

Q. Now, Mr. Petro asked you what the -- if Mr. Orvis had reason to be alarmed because an officer showed up.

Do you have any reason of knowing what Mr. Orvis had to be afraid of or alarmed of?

A. **No.**

Q. Okay. It's possible he didn't want you two to see what was going on in the outbuilding?

A. **It's possible after the discussion with Officer Toffler.**

1 Q. Okay. And Officer Toffler ever go into
2 the home?

3 A. **To the entrance as far as I know. I don't
4 know if he went in, but he was to the front door.**

5 Q. The letter that Mr. Petro referred to --

6 A. **Yes.**

7 Q. -- what's the date on that letter, again?

8 A. **January 2002 -- January 4th.**

9 Q. Okay. And that's the letter that he sent,
10 Mr. Orvis sent, correct?

11 A. **This is the letter.**

12 Q. Inquiring?

13 A. **Well, that was -- I think that was
14 January 2nd.**

15 Q. Okay

16 A. **And then the response was on the 4th.**

17 Q. Okay

18 A. **From Director Clemenson.**

19 Q. And Mr. Orvis knew that he didn't have a
20 business license at that time because he'd been
21 charged, correct?

22 A. **Correct.**

23 Q. Okay. Now, the letter -- it's been made a
24 -- they made a big deal of -- Defendant's Exhibit 2,
25 this letter from Stan Clemenson:

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1 "Thank you for your
2 letter January 2nd requesting
3 status statement on your home
4 occupation permit application.
5 Normally, a drive-by inspection
6 of the property does not raise
7 any questions about the scope
8 of the work being performed
9 at the site, a home occupation
10 permit application is approved
11 by Zoning Administrator and
12 sent over to the Licensing Office."

13 That's normally, correct?

14 A. **Yes.**

15 Q. Did that necessarily apply to Mr. Orvis?

16 A. **Not with the information that we had.**

17 Q. Because you had other information?

18 A. **Correct.**

19 Q. "A drive-by visit of your
20 property had raised questions
21 about the work being performed
22 on the site."

23 Correct?

24 A. **Correct.**

25 Q. "Our Zoning Administrator

Q. Okay. Now --

A. -- to look at those issues.

Q. Okay. Now, in Mr. Orvis' case, you simply didn't have said, "We are approving your application for a minor but it's subject to you not doing any work at that building," isn't that true?

A. **Correct.**

Q. Couldn't you have done that?

A. **Correct.**

Q. And instead of doing that, you did nothing, you never notified him, you never contacted him, you never sent him any correspondence, nothing happened.

A. **On the 24th of September, 2001, it was identified that he was doing business without -- without a correct business license.**

Q. Well, he had no license at that point in time, correct?

A. **Correct.**

Q. And there were a number of other people in the City with no licenses?

A. **The question is: Was he doing business without a license? Correct.**

Q. But what I'm saying is that from September 24th, 2001, until he wrote you the letter in January 2002,

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and your boss responded January 4, 2002, no one notified Mr. Orvis that his minor had been approved with the condition to not use the outbuilding, they didn't make any requests for inspections, they never advised him anything in writing, they just sat on his application and did nothing, isn't that correct?

A. **In November, he was issued citations.**

Q. He was -- that is right --

A. **-- for not doing business without a business license.**

Q. -- November 2002, he was given a criminal citation?

A. **Correct.**

Q. And you don't know of one other person out of that 300 or one other person that didn't have a business license at that time that was cited with a criminal citation, do you?

A. **That's correct, as far as my recollection.**

MR. PETRO: All right.

I don't have any other questions.

FURTHER REDIRECT EXAMINATION

2 BY MR. SCHREINER:

3 Q. If you had information that someone was

4 operating a business in opposition or that wasn't

5 correct to what they were requesting, for example,

6 wanting a Minor Home Occupation when they were

7 actually conducting a Major Home Occupation, would you

8 want to inspect?

9 A. **Yes, and we do.**

10 Q. Is that normal?

11 A. **Yes.**

12 Q. Okay. If someone won't allow you to

13 inspect to see if they've stopped doing business, what

14 do you do?

15 A. **If they won't allow us, then it's the end**

16 **of the application. Or we start with a process if we**

17 **have information that they are doing business, we**

18 **start with the process of citations.**

19 Q. So you maybe --

20 A. **Sometimes it's letters.**

21 Q. Maybe talk to them and say, "You know,

22 this really is a Major Home Occupation. If you want

23 to continue, you need to file an application for

24 that," such and such?

25 A. **That happened before and after. And**

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1 **that's just a conversation with the people. And most**

2 **of the time it is with child care, of how many**

3 **children they want in their home. That's what happens**

4 **a lot.**

5 Q. Okay. And from the time -- so you had

6 reason to believe that the Defendant, even though he

7 had received this August 19th, 2001, letter, saying

8 you need to come into compliance, was, in fact,

9 conducting a Major Home Occupation?

10 A. **Correct.**

11 Q. And for some reason, he came in and

12 applied for a Minor Home Occupation?

13 A. **Correct.**

14 Q. Okay. All right.

15 Up until day of the inspection, in fact?

16 A. **Correct.**

17 Q. November 24th, was it?

18 A. **Correct.**

19 THE COURT: Any other questions?

20 MR. PETRO: No.

21 THE COURT: I have a few:

22

23

24

25

<p style="text-align: center;">EXAMINATION</p> <p>BY THE COURT</p> <p>Q. On September 24th, why did you go to inspect Mr. Orvis' place.</p> <p>A. I had information that it was more than just a minor.</p> <p>Q. Okay. And it had nothing to do with his application or did it?</p> <p>A. Well, his application was a minor.</p> <p>Q. No, no. I'm asking why you went there. Because you go out on an inspection and someone says, "Hey, I think so and so is violating the law" -- don't you get calls like that?</p> <p>A. Yes, all the time.</p> <p>Q. All the time?</p> <p>And you go -- whether they have an application or not, you go in and inspect, correct?</p> <p>A. Yes.</p> <p>Q. So, on this date, why did you go? Because someone said he was violating it because he had -- violated the law or is it because it had something to do with the fact that he had applied for a Minor Home Occupation?</p> <p>A. Both.</p> <p>Q. Both?</p> <p style="text-align: right;">209</p>	<p>1 know if it was call or direct. No written. The only</p> <p>2 written that we had was -- is what we already heard</p> <p>3 from Miss Emery on the communications of those lists.</p> <p>4 Q. The only reason why I ask this, too, is</p> <p>5 because according to the testimony she gave, is once</p> <p>6 it went to put it in the hopper to go to Community</p> <p>7 Development, she had nothing to do with the</p> <p>8 application.</p> <p>9 So you are telling me now that she called</p> <p>10 you or you talked to her?</p> <p>11 A. We had a communication.</p> <p>12 Q. That the -- that you had to go out there</p> <p>13 and inspect it?</p> <p>14 A. But the question is is on that: She had</p> <p>15 information that -- that -- that we needed to look at</p> <p>16 the rest of it.</p> <p>17 Q. Okay I was led to believe by her</p> <p>18 testimony that once she threw it in the hopper, she</p> <p>19 knew nothing as to what happened</p> <p>20 MR. SCHREINER: Judge, I might be able to</p> <p>21 clarify that --</p> <p>22 THE COURT Just a minute. I'm not done</p> <p>23 with my questioning yet.</p> <p>24 THE WITNESS Yes, maybe you ought to</p> <p>25 clarify. I'm sorry.</p> <p style="text-align: right;">211</p>
<p>Okay. Between August and September 24th, somewhere between that time, someone asked you to go out there, correct?</p> <p>A. Correct.</p> <p>Q. I guess -- that's my question, if I know who asked you to go out there.</p> <p>Someone from the -- within the City saying, "There's -- he's made an application, so go out and check"?</p> <p>A. City.</p> <p>Q. "City "</p> <p>Was it Miss Emery?</p> <p>A. That's part of it.</p> <p>Q. She asked you to go out and check it? She called you?</p> <p>A. Our conversation was that --</p> <p>Q. She called you or you spoke to her personally, can you recall?</p> <p>A. I don't know.</p> <p>Q. It's long time ago.</p> <p>A. Verbal.</p> <p>But it was on -- that the business was doing business more than a Minor Home Occupation.</p> <p>Q. So she called you?</p> <p>A. It was a verbal communication. I don't</p>	<p>1 THE COURT So you don't take an officer</p> <p>2 with you on these inspections, do you?</p> <p>3 A. Correct, unless we think there's a</p> <p>4 problem.</p> <p>5 Q. And what's --</p> <p>6 A. I did --</p> <p>7 Q. What is the standard for that?</p> <p>8 A. I did not bring an officer.</p> <p>9 Just if it's questionable just from the</p> <p>10 application if we have other information from our</p> <p>11 offices.</p> <p>12 Q. I suppose you want to take an officer if</p> <p>13 someone told you they were really running not only an</p> <p>14 illegal business but something really like -- well --</p> <p>15 Strike that</p> <p>16 My next question is: The -- after you</p> <p>17 doing the normal inspection, do you submit some kind</p> <p>18 of report to your supervisor that you went out there</p> <p>19 and did an inspection?</p> <p>20 A. Not generally.</p> <p>21 Q. "Not generally"?</p> <p>22 A. No.</p> <p>23 Q. Then how do they know whether that the</p> <p>24 thing should be approved or not?</p> <p>25 A. Our procedure is much different now,</p>

out --

Q. But at that time -- we are not talking about now --

A. Okay.

Q. -- at that time, don't you have to let them know: "I inspect it. It meets the guidelines. License approved. It doesn't meet the guidelines. License not approved."

Didn't you do something like that at that time?

A. On this one, yes.

Just a minute, please.

Q. Because I -- Mr. Petro asked you, and then you said you didn't do anything.

So I wanted to clarify that.

A. I think... on this one, there's a memo to our attorney, Tina Peterson, and cc to Director Clemenson.

And that memo was on October 4th, 2001. And it was about the September 24th, 2001, visit. There is that memo.

THE COURT: And before I ask any further questions, would that be considered privileged? I don't want to dig up -- you got that memo?

MS. PETERSON: Yes.

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THE COURT: You have a copy? Was that disclosed to you?

MR. PETRO: I think Mr. Orvis tells me that we have it. I don't have it at my fingertips, but I can find it. He said we do have it, though.

(Discussion off the Record.)

THE COURT: You sent a memo to Miss Peterson?

THE WITNESS: (Inaudible)

THE COURT: What did your memo state?

MR. SCHREINER: (Inaudible)

THE COURT: Come on.

THE WITNESS: It's actually what happened --

THE COURT: I have to discover these memos?

THE WITNESS: What happened on the 24th --

THE COURT: Don't say anything

THE WITNESS: Oh, I am sorry

THE COURT: He's determining what was sent.

MR. PETRO: I don't think Mr. Orvis does have that because he described what he thought was a small blurb, but that looks like it was pretty extensive.

I'd need to see it.

(Discussion off the Record.)

THE COURT: Let's just wait.

MR. SCHREINER: I think Pleasant Grove would argue, Judge, that it's privileged and leave it at that.

THE COURT: Okay. So let's leave it at that for now, then.

So you sent a letter to Miss Peterson, okay, but who it is -- don't you have to send a thing to the City that's going to make -- if it's Miss Emery to make a final decision or your supervisor that says. "I went out there, I inspected the place and it doesn't meet the guidelines. So the license -- the application should be denied."

A. That memo is pretty well that way.

Q. I know that you --

A. It is also to my Director.

Q. To your Director?

A. Correct; carbon copy went to my Director.

Q. Why would that be privileged? I can see the attorney/client privilege?

MS. PETERSON: I have it to me, that's all. But he cc'd -- oh, there is a cc on the bottom, is what you are saying.

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THE WITNESS: Yes.

MR. SCHREINER: Typically --

THE COURT: That's what I'm saying, that's my question, is: I can see the privilege between attorney and office unless you are going to also claim that --

A. I was directed to the attorney, and I let my --

Q. But you normally don't do that, don't you? I mean, if you feel that's some -- you don't normally send her a thing that says, "It doesn't meet the guidelines, or" -- do you usually send a letter to her or --

A. No.

Q. You head it to your supervisor, right?

A. Most of the time I do it to the attorney, too, if I see there's a problem.

Q. Okay. But most of the time it's not a cc to your supervisor?

A. Correct, it went to the attorney.

Q. This time it went, but usually it just goes to your supervisor and a cc to the attorney, maybe?

A. It's possible.

Q. But most of the time, what happens?

That's my question, usually?

A. **It goes back and forth.**

Q. Is it frequently, then, when you feel that someone -- when you go and do an inspection that you send a letter to the attorney?

A. **Negative.**

Q. Okay. It's only when they are disapproved?

A. **When we see that there's a problem and we think that there's a problem on it. It's seldom that we do that on a business license.**

Q. Okay.

A. **There's a number of things on zoning violations, but not business licenses.**

Q. And then -- so you do your part saying -- hypothetically -- "Well, for whatever reason, this -- this application should not be approved?"

A. **Correct.**

Q. And -- and -- and under the procedure now, that's the extent of your involvement and you let someone else decide what they want to do next?

A. **On this one --**

Q. What do you mean on this one?
I want to know on everyone.

A. **I sent a memo to the attorney and a cc.**

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Q. Okay.

A. **As soon as this happened.**

Q. Why did it happen in this case, then?

A. **We observed there was something different than what -- one, we didn't get to do our inspection --**

Q. Okay.

A. **-- other -- we found other things.**

Q. But normally you reject someone, saying, "Ah, you know, you don't meet the guidelines."

You send the thing -- that's the end of your involvement, right?

A. **We usually return it back to --**

Q. And it is your supervisor that decides what the next step is going to be?

A. **We usually turn it back to Mrs. Emery.**

Q. And then it's her call.

Do you recommend that the license be denied?

A. **If we didn't do our --**

Q. Or the application be denied?

A. **We may not -- we probably don't do that.**

If we don't get a site inspection, we -- then it's her determination of whether or not it's denied. We don't say that it's --

1 Q. Normally somebody --

2 A. **We are only one --**

3 Q. Yeah, I know.

4 A. **Yes.**

5 Q. But, for example, they didn't want to let
6 you inspect, what more can you do, right? Can you
7 say, "Hey, deny this application. They won't let me
8 in."

9 Did you say that to Miss Emery in this
10 case?

11 A. **I don't remember if I did, but I --**

12 Q. Because she asked you to go out there.

13 A. **Yeah. I sent this to the attorney.**

14 Q. Did you send a copy to her, too?

15 A. **I don't recall.**

16 Q. So you went out because Miss Emery asked
17 you to do, and then I know what you did. But you
18 didn't let her know that you went out there because
19 she's the one that asked you to go out there, right?

20 And she didn't know --

21 A. **And other officials.**

22 Q. Well, other officials. But she didn't
23 know whether you went out or not. So --

24 A. **I don't know that.**

25 Q. Okay

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1 MR. PETRO: Judge, can I -- I thought --
2 if you are finished, I'd like to ask another follow-up
3 question.

4 THE COURT: I'm finished, too.

5 As far as the privilege now, is that --
6 there's a cc --

7 MR. SCHREINER I don't know that we
8 really object to it.

9 MS. PETERSON: I have had an opportunity
10 to look at it, and I don't think --

11 THE COURT: Well, show it to Mr. Petro,
12 then (Handing).

13 FURTHER RECROSS EXAMINATION

14 BY MR. PETRO:

15 Q. Mr. Limb, let me ask you a question:

16 What other City officials discussed with
17 you going out and inspecting the Orvis property other
18 than Miss Emery?

19 When you said, "other officials," are we
20 talking Mayor, City Attorney, who we are talking?

21 A. **Correct, Mayor, City Attorney, City
22 Administrator.**

23 Q. Is it unusual for the Mayor to ask you to
24 go out and inspect a person's premises on a business
25 license application?

A. **I don't know if this is privileged or not.**

Q. You can answer the question. If Mr Schreiner wants to object, he can Is it -- that unusual?

A. **There were a number of discussions at that time with business licenses and other things that needed to be done in the City on zoning compliance whether it be business licenses or other.**

Q. Okay

A. **And that was a meeting.**

Q. Did the Mayor ask you to inspect anybody else's property?

A. **I don't remember on that. As far as business license?**

Q. Yes?

A. **I don't know.**

Q. Well, if he did, were there --

A. **It was more the City Administrator than the Mayor. The Mayor was there in the meeting.**

Q. You would agree that there were some rather different requests made in Mr Orvis' case for a business license application as opposed to the typical business license application?

A. **What are you referring to?**

Q. Well, I mean just that there -- that city

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officials are asking you to inspect your premises, that Mr Toffler, a police officer, happens to show up at the time that you are getting ready for the inspection, those kinds of things?

A. **I received information from -- that there was a business going on other and just a Minor Home Occupation.**

Q. I grant you that You said that. I think you are a pretty honorable guy I think you've been pretty truthful, except you are not answering my last question

I want to know whether or not it's unusual for other city officials, for instance, the Mayor, to ask you to go out and inspect a premise on a business license application?

Is that unusual or not unusual?

A. **It is not -- I mean, it is usual.**

Q. It is unusual?

A. **What did I say?**

Q. It is unusual?

A. **Usually the Mayor does not ask.**

Q. Okay

A. **Or the City Administrator.**

Q. And in this case they did?

A. **Correct.**

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Q. And usually Officer Toffler doesn't accompany you for an inspection and this time he did?

A. **Correct. There was other items -- well, he didn't -- he didn't come out with me. He was directed by his officials.**

Q. And I grant that you had nothing to do with it But he showed up, and the purpose was to help with the inspection?

A. **Correct.**

MR PETRO Okay

I don't have any other questions

Judge, may I read this over?

FURTHER REDIRECT EXAMINATION

BY MR SCHREINER

Q. Mr Limb, did you go out to Mr Orvis' business on the day that we've been talking about to -- did you go out because of an application to conduct an inspection or did you go out because you had information of an ongoing crime was being committed and that the business was being conducted without a license?

A. **Well, first of all, business being conducted without a license and also the application.**

Q. Okay So both?

A. **Yes.**

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Q. Okay And is it normal for a Planning Commission Member to be violating that law?

A. **Shouldn't be violating the laws that they determine.**

Q. And if -- is it unusual for a city official who comes to know that to report it?

A. **No.**

Q. All right.

FURTHER RECROSS-EXAMINATION

BY MR PETRO

Q. Okay But you -- you'd acknowledge the City sent out 300 plus letters indicating to individuals they needed business licenses?

A. **I don't know that because I'm confused with another situation that we respond on 85.**

Q. Okay But you know there were a sizeable number of individuals in Pleasant Grove City who for whatever reason did not have business licenses?

A. **At that time?**

Q. Yes.

A. **I don't recall. So, if I said yes or if I said, no, I don't know.**

I do have one recollection, and it was --

it was some listing, but the information that I received did not have Mr. Orvis' name on the many

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stings that we had.

Q. Okay. But -- and -- and let me just see I can ask you a question that summarizes just the --

A. **I don't get all the listings, though.**

Q. -- the whole environment that's going on?

A. **Yes, sir.**

Q. It's true regardless of the number that it was a hot topic in the City of Pleasant Grove that a number of people operating businesses without licenses, those people had been sent notices they needed business applications -- business licenses and a number of people had filed business license applications?

A. **Correct.**

Q. Because you were involved in whether or not to approve it as the Zoning Administrator?

A. **Correct, sir.**

MR. PETRO: All right.

No other questions.

MR. SCHREINER: And, Mr. Limb, since that time and up until today, is it your job to go out and inspect and see if people are doing business without a license and having them charged?

THE WITNESS: Yes.

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MR. SCHREINER: Thank you.

THE COURT: Okay. Now, that we know that the letter is not privileged, Mr. Limb, tell me what did you advise those three individuals, Miss Peterson, cc to your supervisor -- was there someone else?

THE WITNESS: No, sir.

THE COURT: Just the two of them?

Okay, what did you advise them to do?

MR. SCHREINER: Judge, I'll give you the memo.

THE WITNESS: Yeah, that's it right there.

THE COURT: Well, I'm asking you: What did you advise them to do?

THE WITNESS: Well, there was things that I was to do, and there's a list there that I said that I'd do.

THE COURT: Did you advise them that the application should be denied?

THE WITNESS: That information, I don't know if we said that in there or not.

No.

THE COURT: The -- is the reason why you didn't mention that?

I mean, he didn't let you in, he testified, "Hey, you made an application, he didn't

1 want you to see it?

2 THE WITNESS. I'd do it now.

3 Probably inexperience at the time.

4 THE COURT: Okay. All right. Thank you.

5 THE WITNESS: You are welcome.

6 MR. PETRO: Judge, may we mark that as an
7 exhibit?

8 THE WITNESS: Sure.

9 MR. SCHREINER: May I ask one follow-up
10 question?

11 THE COURT: I've heard that before.

12 It's Plaintiff -- who wants to admit it?

13 You?

14 MR. SCHREINER: I will on move to admit
15 this as --

16 THE COURT: This is Defendant's Number 8,
17 then.

18 MR. SCHREINER: Judge, what's the
19 relevance of it?

20 MS. PETERSON: Yeah.

21 (Discussion off the Record.)

22 THE COURT: Why he sent a letter to show,
23 but in the letter it didn't state that -- that the
24 license be -- application be denied. He does it now,
25 but it's all connected.

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1 It goes to the weight

2 MR. SCHREINER: I'll object on relevance
3 grounds.

4 MR. PETRO: May I ask --

5 THE COURT: Overruled.

6 MR. PETRO: -- a question:

7 It doesn't say anything in here about
8 whether or not you denied the application or rejected
9 it?

10 THE WITNESS. Correct.

11 MR. PETRO: But it says that you are going
12 to take some action. And it's:

13 "I will obtain from the

14 City office the sales tax

15 records where Mr. Orvis

16 remitted sales tax to the City

17 on hopefully how long Mr. Orvis

18 has been remitting sales tax.

19 I will try to find customers who

20 have had work done by Mr. Orvis.

21 And if they know where the design

22 prototype is manufactured. I am

23 going to find out from the power

24 company when Mr. Orvis had

25 electricity run to the shed, if it

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<p>has a separate meter. I will have -- I have and will discuss this matter with the police and Tina to see if they have enough information to proceed. Hopefully, I can gather information by Tuesday at noon." Is that correct? THE WITNESS: Correct. MR. PETRO: Have you ever gone to this kind of extent to gather information either before or after on a business license application? THE WITNESS: No. MR. PETRO: Okay. You probably have done more work than you ever -- Your Honor, I'd move to admit Exhibit Number 8. THE COURT: I know you object to it, but I'm going to receive it. (Defendant's Exhibit No. 8. Admitted). MR. SCHREINER: Mr. Limb, typically when you go to do an inspection on a business, do you go to inspect or investigate an on-going crime? THE WITNESS: No. MR. SCHREINER: Okay. Did Mr. Orvis ever come into the City to clarify that he didn't want a</p>	<p>1 don't want anybody -- 2 Your next witness? 3 MR. PETRO: I have actually walked away 4 with them in my briefcase before, so I made an effort 5 to check my desk, and I put them up there earlier. 6 THE COURT: I have, let's see -- 7 You may step down. 8 Let me make sure that I've got everything 9 here, 6, 7, 2, okay. I have these. Okay. 10 Your next witness, Mr. Schreiner. 11 MR. SCHREINER: Judge, I believe that's 12 all we've got. 13 THE COURT: Okay. 14 Well, then, we've gone -- we've sort of 15 bifurcated this motion hearing because we've got one 16 more which I think won't take that long. 17 Is February 4th still okay? At 11:00? 18 Let me know. You get the name to him. 19 MR. SCHREINER: I thought it was 20 February 11th. 21 THE COURT: 11th? 22 MS. PETERSON: Yes. 23 THE COURT: I am sorry. 24 MR. PETRO: Thank you, Judge I appreciate 25 that.</p>
<p>229</p> <p>Minor Home Occupation, that he wanted a Major Home Occupation license. THE WITNESS: At the end, yes, because he did receive a Major Home Occupation. MR. SCHREIBER: And he has subsequently come in and got a Major Home Occupation, hasn't he? THE WITNESS: Correct. MR. SCHREIBER: Okay. Whose job is it to come in and change the application, yours or the Defendant? THE WITNESS: The Defendant. THE COURT: All right. I guess one more: To your knowledge, you don't know if the minor application was ever denied, do you? THE WITNESS: No. THE COURT: Okay. Okay. Anything else? Thank you. Appreciate it. Where is the rest of my exhibits? I don't know if you're done yet, but I don't want to lose them. MR. SCHREINER: They are all over the courtroom somewhere. THE COURT: Let's see, 1 through 6. I</p>	<p>231</p> <p>1 THE COURT: 11:00 o'clock, February the 2 11th. 3 Okay. 4 MR. SCHREINER: Is that it, Judge. 5 THE COURT: Yes, that's it for now, and 6 we'll see what happens, huh? 7 MR. PETRO: Thank you. 8 THE COURT: Thank you everyone. Sorry you 9 had to stay long. 10 (Discussion off the Record.) 11 THE COURT: Can I see the attorneys in 12 chambers? 13 (Hearing Adjourned at 2:25 p.m.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

Tab 21

IN THE FOURTH DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH, AMERICAN FORK DEPARTMENT

ORIGINAL

PLEASANT GROVE CITY,	)	VOLUME 2, (241 to 373)
)	
Plaintiff/Appellee,	)	Case No. 20050343-CA
)	
vs.	)	Case No. 011100657
)	
VICTOR R. ORVIS,	)	Judge Howard H. Maetani
)	
Defendant/Appellant.)	

THE ABOVE captioned matter came before the
Honorable Howard H. Maetani, on August 13, 2004 to
March 23rd, 2005.

A P P E A R A N C E S

For the Plaintiff:	STEPHEN SCHREINER CHRISTINE PETERSEN Attorneys at Law
For the Parents:	MICHAEL J. PETRO JOHN A. PENROD SCOTT E. WILLIAMS Attorneys at Law

Transcriber: BILLIE WAY, CCT FILED

UTAH APPELLATE COURTS

SEP 07 2005

20050343-CA

2005 SEP - 2 P 3:09

a shed.

Q. Okay.

Now, you went to the property on September 24th. And do you remember what time of day it was?

A. **It was -- I think I have to look at my notes.**

Q. Okay.

A. **I don't recall what time it was. It seems like it was in the afternoon.**

Yeah, it was just about 5:00 o'clock.

Q. Okay. All right.

May I approach the witness, Your Honor?

THE COURT: Yes.

(Discussion off the Record.)

MR. PETRO: Could you -- Mr Toffler, I realize you are not an artist.

Could you draw a picture of the Orvis property and where the home is located and the where the shop is located and -- and where the driveway is located?

(Witness complies.)

Okay. Could you put on with dashes where your vehicle was parked?

Let me grab a red pen so you can put your

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vehicle in red; where you finally parked your vehicle when you drove up to the property.

I'll give you a moment.

A. **I don't recall if I was on the right-hand side of this driveway or the left-hand side.**

Q. Okay. Do you recall where Mr Limb's vehicle was parked?

A. **No, that's why I can't recall. I don't know if he was on the right-hand side or the left hand.**

Q. Okay. Do you know how far into the driveway you got?

A. **Yeah.**

Q. How far into the driveway did you get?

A. **To the rear portion of the home.**

Q. Okay.

A. **I don't know if it was on the left or right-hand side.**

Q. Do you -- where -- was it -- do you know how far into the driveway Mr. Limb's vehicle was?

A. **Just about the same, I think.**

Q. Okay. Let me read Mica Orvis' Affidavit.

It says -- well, I'll have Mr. --

Was your vehicle parked behind the house or in front of the shed or do you have any

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1 recollection of approximately where it was parked?

2 A. **It was in front of the shed because I**
3 **could see the doors on the shed.**

4 Q. Okay And how far in front of the shed
5 was it?

6 A. **I don't recall. I don't know.**

7 Q. Okay. Would you agree that you were well
8 off the roadway?

9 A. **Yes.**

10 Q. And would you agree that you could have
11 parked much closer to the home and still have been in
12 the driveway?

13 A. **I may have. I don't remember what**
14 **vehicles were in the driveway.**

15 Q. Okay. Now, I think Mr. Orvis, in his
16 motion, has indicated that the shed's approximately
17 210 feet off the street. Would you agree with that?

18 A. **Probably close to that.**

19 Q. Okay. So, if you were closer to the shed,
20 then I would assume that you at least had to drive a
21 hundred and fifty feet, plus, through the driveway to
22 get back to where the shed area was?

23 A. **Probably.**

24 Q. Okay. Is there any reason why you just
25 didn't either park out in the street or just barely

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1 pull into the driveway and go directly in the home
2 rather than the shed?

3 A. **When I pulled in the driveway, the vehicle**
4 **that I seen I thought was Ray Limb's. And with the**
5 **open doors on the shed, I assumed that that's where**
6 **they were, so I pulled back further in the driveway.**

7 Q. Well, how far -- but you said you didn't
8 recall how far into the driveway Mr. Limb's vehicle
9 was.

10 A. **And I don't.**

11 Q. Okay Could it be possible that you
12 pulled right past Mr. Limb's vehicle and went back to
13 the shed?

14 A. **I don't recall. I don't know where his is**
15 **at.**

16 Q. Okay. Now, after you parked your vehicle,
17 what did you do?

18 A. **Got out of my vehicle and started walking**
19 **towards those open doors.**

20 Q. All right. And when you say, "open
21 doors", are you talking about garage-type doors or
22 just a regular.

23 A. **It's just a large door. It's not a**
24 **walk-in door, it's a large door.**

25 Q. Is it like a garage-type door?

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A. **It is not an overhead door.**

Q. Okay.

A. **It's not like I would say on a garage, it's -- they are bigger doors, but it's not a normal roll-up door.**

Q. So, it's a door with a handle on it, but it's maybe more industrial-sized, would that be fair to say?

A. **Yeah.**

Q. Okay. How many doors were there, one or more?

A. **I don't remember if this is a -- was a swing-out door or if it was a slide door that it was open.**

Q. Okay. And when you got to the door, what did you see?

A. **I didn't really make it -- I made it to in front of the door, but I could see machinery inside of the building.**

Q. And was there anybody in the building?

A. **Yes, there was an individual walking out of the building towards me.**

Q. Okay. And who was that individual?

A. **He ended up telling me that he was Vic's son.**

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Q. Okay. And what did you ask him initially?

A. **I asked him if Mr. Limb was in there with his dad.**

Q. Okay. And did he say?

A. **He said he didn't know a Mr. Limb. He didn't know what I was talking about, but "He may be in the house with his dad."**

Q. Okay. And then did you say anything else to him at that point in time?

A. **I did. I asked him what they did in there and if he worked for Mr. Orvis, and that's when he told me he was his son and, yeah, he worked in the building.**

Q. Okay. And what was your purpose for asking him those things?

A. **I wanted to know what they were doing.**

Q. Okay. So you would agree that your information was that you were told there was an illegal zoning business going on at that premises and that you went back to the building, the son told you that it was likely Mr. Limb and Mr. Orvis were in the house and then you started asking the son some questions about what business was being conducted in the back shed?

A. **Yes.**

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1 Q. Okay. And then what did you do?

2 A. **The son walked -- we walked around the**

3 **front of the house to the front door, but I don't**

4 **recall if the son opened the door or if Mr. Orvis came**

5 **and opened the door. But the door was open, and I**

6 **went inside of the residence.**

7 Q. Did you go through the back door or the

8 front door?

9 A. **No, it was the front door.**

10 Q. Front door.

11 So you walked around to the front of the

12 house and went in?

13 A. **Yes.**

14 Q. Okay. And you went in the front of the

15 house, and then tell us what happened.

16 A. **Mr. Orvis was agitated that I was there.**

17 **There was some conversation going on with Mr. Limb and**

18 **Mr. Orvis about inspections for the business**

19 **licensing, and the conversation was that he was not**

20 **going to allow an inspection at that time.**

21 Q. All right. And was it a heated

22 conversation or was it just a matter of fact, "you are

23 not going to inspect"?

24 A. **At that time, he was agitated. Mr. Limb**

25 **was fine with that. He said, "That's fine. We won't**

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1 **inspect." But Mr. Orvis was agitated with him.**

2 Q. Well, what kind of inspection did Mr. Limb

3 ask him for? What did he want to inspect?

4 A. **Whatever they do for their inspection for**

5 **a business license.**

6 Q. Well, did he mention anything

7 specifically? Did he mention anything like "I want

8 to look at your computer. I want to look at your shed

9 or your house", or did he say?

10 A. **I came in at the end of the conversation.**

11 **I don't know exactly what was being said.**

12 Q. Okay. Now, Mr. Limb, what was his

13 position, as you understand it, on September 24th,

14 2001?

15 A. **He was the head of Zoning.**

16 Q. Okay. Had you ever been out to a business

17 inspection with Mr. Limb prior to September 24th,

18 2001?

19 A. **No.**

20 Q. Have you, since September 24th, 2001, been

21 out on an inspection with Mr. Limb?

22 A. **No.**

23 Q. Okay. The Geto and the Olsen matters you

24 were out on before, who did you go out on those with?

25 A. **Mr. Limb was involved in those; myself,**

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Q. Yeah, who the work was being performed or? Who the customer was, if there was any work being done?

A. **No, I don't believe I asked him who he was doing, I asked him what type of business he was doing.**

Q. Okay. Is it necessary for a police officer, if he's going to be involved in zoning matters, to be sworn as a Zoning Compliance Officer?

A. **We have done that, but I'm not so sure it's necessary.**

Q. Okay. Are you currently a Zoning Compliance Officer?

A. **I am.**

Q. On September 24th, 2001, were you -- were you sworn in as a Zoning Compliance Officer?

A. **I don't know when that -- when we were sworn in. I don't remember the date that we were sworn in.**

Q. Well, what's your best estimate about when you were sworn in?

A. **I don't recall.**

Q. Okay.

MR. PETRO: I don't have any other questions.

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RECROSS-EXAMINATION

BY MR. SCHREINER.

Q. Is zoning -- are misdemeanors of -- violations of zoning, are they typically misdemeanors?

A. **Yes.**

Q. So, violations of the law?

A. **Yes.**

Q. You are a police officer?

A. **Yes.**

Q. Sworn police officer?

A. **I am.**

Q. Enforce the laws of the State and for Pleasant Grove City?

A. **Yes.**

MR. SCHREINER: No other questions.

THE COURT: I have a few:

EXAMINATION

BY THE COURT:

Q. Was your car marked as a -- that you were a police officer?

A. **No, sir.**

Q. Were you in your uniform?

A. **I -- I know the next time -- sometimes I**

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1 **wear a uniform, sometimes I don't.**

2 Q. But that day?

3 A. **Yeah. But that day I can't -- I don't**
4 **know.**

5 Q. Did you tell this Mica Orvis that you were
6 a police officer before you started asking questions?

7 A. **No, sir, I don't think I did.**

8 Q. You just went up to him and said, "Hi",
9 and he started telling -- did he ask who you were?

10 A. **I think I -- I probably told him that I**
11 **was there from the City, I was looking for Ray Limb.**
12 **I asked him if he knew who Ray was, and he said, "No",**
13 **that he didn't know who I was talking about.**

14 **But I don't recall if I was in uniform**
15 **that day or in plain clothes.**

16 Q. Okay. What was the first question you
17 asked him after -- what was the question after you
18 asked him if he knew where Mr. Limb was and he said he
19 didn't know.

20 A. **I'd have to refer to my notes here. There**
21 **was couple of questions that I had asked him.**

22 **The question was -- I asked him if he had**
23 **talked with Ray Limb from City Zoning, he stated, no,**
24 **but that Ray may be in the house with his father.**

25 Q. Then what happened?

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1 A. **The exact question, sir, I don't --**

2 Q. Okay. Then what happened after that?

3 A. **We were talking. You know, I asked him,**
4 **"What are you doing there?" He stated he -- they used**
5 **to do large fabrication jobs, but mostly all they did**
6 **now was just small custom work in the shed.**

7 Q. Okay. At what juncture did Mica Orvis
8 know who you were?

9 A. **Probably about the time I told him I was**
10 **from the City and asked him where Ray was, that I was**
11 **supposed to meet Ray Limb there.**

12 Q. So he knew you were an officer then?

13 A. **I don't know if he knew I was a police**
14 **officer or just from the City.**

15 Q. At what juncture did he know that you were
16 a police officer?

17 A. **I don't know if he did, sir. I don't**
18 **know. I don't.**

19 **THE COURT: Okay. I don't know, the**
20 **reason I'm asking, wasn't there something from the**
21 **affidavit or something that --**

22 MR. PETRO: Yeah, there was.

23 THE COURT: When he was there, correct, or
24 when he found out?

25 MR. SCHREINER: In his affidavit?

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THE COURT: In somebody's affidavit.
MR. PETRO: Yeah. May I ask --
THE COURT: You have so many affidavits,
o --

MR. PETRO: May I ask a follow-up
question?

THE COURT: Go ahead.

FURTHER REDIRECT EXAMINATION
BY MR. PETRO:

Q. Officer Toffler, let me read you Mica
Toviss' Affidavit. I'll read Paragraph 4 through 8.
He says in Paragraph 4:

"While I was working
in my father's shed on that
date, Officer Toffler of Pleasant
Grove Police Department
came approximately 20 feet into
the shed. Officer Toffler was
dressed in civilian clothing and
did not identify himself or his
reason for being on my father's
property."

Would you agree with that statement?

A. **No, sir.**

Q. What don't you agree with?

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1 clients and the work my father
2 performed."
3 Would you agree or disagree?

4 A. **Disagree.**

5 Q. Okay. And what do you disagree with about
6 that statement?

7 A. **"Clients."**

8 Q. Okay. Do you agree that you asked
9 questions about his father's business?

10 A. **I asked him what type of work he does.**

11 Q. Okay. He says:

12 "During our conversation
13 (this is 8), I informed Officer
14 Toffler that my father had done
15 custom work for Bratt Landscape
16 (Phonetic)."

17 Do you agree or disagree with that?

18 A. **Disagree.**

19 MR. PETRO: All right. I don't have any
20 other questions.

21 MR. SCHREINER: Just one follow-up:

22 You were there working for Pleasant Grove?

23 THE WITNESS: Yes.

24 MR. SCHREINER: You are a police officer?

25 THE WITNESS: Yes.

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A. **I did not enter the shed and I did tell
him what I was doing there.**

Q. Okay. And then he goes on to say:

"Officer Toffler asked
me questions about what I was
doing in the shed."

Would you agree with that or
disagree?

A. **We did talk about what was going in the
shed, yes.**

Q. Okay.

"6. Officer Toffler was
far enough into the shed to observe
everything in the shed."

Would you agree or disagree with
it?

A. **Disagree.**

Q. Okay. But you did indicate that you could
go through the door and see some things, is that
correct?

A. **Yes.**

Q. Okay. Officer -- next statement is:

"Officer Toffler asked me
questions about my father's business.
He was most interested in my father's

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1 MR. SCHREINER: If you are not in uniform,
2 you still have a gun.

3 THE WITNESS: I do.

4 MR. SCHREINER: And you have a badge
5 attached to your belt.

6 THE WITNESS: I do.

7 MR. SCHREINER: Plain to see.

8 THE WITNESS: It is.

9 MR. SCHREINER: Okay.

10 THE COURT: Sir, again, I just want to
11 know: At what juncture did Mica know you were an
12 officer?

13 MR. SCHREINER: I guess I could ask that,
14 Judge.

15 Did you tell him you were an officer or
16 could he have seen that you were an officer?

17 MR. PETRO: It's already been asked and
18 answered. He already said he didn't tell him.

19 THE COURT: No, I'm asking at what
20 juncture. My question is at what juncture. When --
21 according to him, when he believes that Mica knew he
22 was an officer.

23 MR. PETRO: By any sense?

24 THE WITNESS: Are you asking me what my
25 opinion is of when he knew?

Q. Okay. Do you remember if he had a jacket on or not?

A. **I don't recall if he had a jacket on or not.**

Q. Okay. Now, Mr. Limb showed up at your residence, is that correct?

A. **Uh-huh.**

Q. And did you allow him into the residence?

A. **You bet, I welcomed him in.**

Q. Okay. And how long did you talk with Mr. Limb before you were aware that Mr. Toffler was there or Officer Toffler was there?

A. **I wasn't aware that Mr. Toffler was there until the end of the conversation when our -- it was over and I walked Mr. Limb to my front door and onto my front porch. That's when I saw Officer Toffler.**

Q. All right. And what was Officer Toffler doing when you saw him?

A. **Standing over by Mr. (Inaudible).**

Q. Okay. And did you ever talk with Officer Toffler?

A. **I don't believe we exchanged a word or not. We may have nodded. I don't know that we exchanged a word.**

Q. All right. Did -- did you -- do you

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remember having a conversation with Mr. Limb outside your residence about the fact that you wouldn't allow him to just do a random search of your place?

A. **Actually, when he came to the door, I invited him. And I invited him to inspect the house. I was asked -- I had put in an application months earlier for a home occupation, and I invited him to inspect the house.**

Q. All right.

A. **And I invited him inside. And we sat down and talked for a little bit.**

Q. Okay. And where did you have the disagreement with him about the search or the inspection?

A. **The only disagreement was was the scope of the inspection. I told him I was not going to allow him to search my entire property, that if he wanted to inspect the home -- because I had then applied for a Minor Home Occupation License, he's welcome to do it.**

Q. Okay.

A. **He said that he had been instructed to a bigger scope and that there'd be a search and it would include things that were not being used in the business, and I told him I wasn't going to allow that.**

Q. Okay.

1 A. **But it was friendly. I was not agitated**
2 **and neither was Ray.**

3 Q. Okay. All right. And was the
4 conversation concluded before Mr. Limb got outside
5 your residence?

6 A. **Yes.**

7 Q. Okay. So would Officer Toffler have heard
8 much of the conversation?

9 A. **I don't see how he could have heard any of**
10 **it.**

11 MR. PETRO: Okay

12 I don't have any other questions.

13 THE COURT: Wait just a minute.

14 Mr. Schreiner, you may ask the witness
15 questions.

16 CROSS-EXAMINATION

17 BY MR. SCHREINER:

18 Q. Is it true, Mr. Orvis, that your home is a
19 hundred plus feet off of the road?

20 A. **No, I would say it was 70.**

21 Q. Okay. There's no signs for you advising
22 people where you want them to stop on the driveway?

23 A. **No.**

24 Q. No fencing --

25 A. **There is --**

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1 Q. -- where you would prevent people from
2 proceeding on the driveway?

3 A. **No.**

4 Q. So it's your testimony that you didn't
5 want Mr. Limb to inspect to see if you needed
6 something other than a Minor Home Occupation?

7 A. **That's what I'd applied for, that's what**
8 **-- we discussed the inspection.**

9 Q. Okay. And you testified Toffler --
10 Lieutenant Toffler didn't hear anything?

11 A. **I don't know what he heard. I don't see**
12 **how he could have heard --**

13 Q. (Inaudible) conversation with Mr. Limb?

14 A. **He was too far away from us to hear**
15 **anything.**

16 Q. Granted. So he didn't know whether or not
17 you were complying with the inspection, allowing the
18 inspection or not?

19 A. **I don't know what he was aware of.**

20 Q. So he didn't hear "I'm not going to let
21 you inspect" and then go look on his own?

22 A. **No, I don't believe he heard that.**

23 MR. SCHREINER: I don't have further
24 questions.

25 MR. PETRO: I don't have any other

questions.

THE COURT: You may step down. Thank you.

MR. PETRO: I'd like to call Mr. Limb, Ray Limb.

THE COURT: Okay.

Mr. Limb, please?

RAY LIMB,

called as a witness on behalf of the Defendant,

having been duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. PETRO:

Q. Mr. Limb, on September 24th, 2001, do you recall going to the Orvis property?

A. I do.

Q. And now Mr. Orvis indicated that you pulled into the driveway and that you were west of and you were west of and you were in front of the residence; is that correct?

A. I may have been in front of their residence, but I was where I could just walk on the walk.

Q. Okay. So you just pulled in like -- you just pulled like someone would if they wanted to just walk into the house?

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A. Yes. I had a sore foot.

Q. Okay. All right. Did you see where Officer Toffler parked his vehicle?

A. No, but it was -- not exactly, but it was close to mine.

Q. Was it in front of yours?

A. No, I don't know. I was -- don't know the side, the front. The drive area is wide and it's big, you can park most anywhere. I don't know if it is front, back or side.

Q. So you really don't know where it was?

If you can't say if it was front or side in back, you don't know where it was?

A. It was convenient to when we came out that didn't have to walk very far to get in his vehicle in my vehicle.

Q. Okay. If you don't remember whether it is front, side or in back, how can you say that it is convenient that he didn't have to walk very far?

A. Because we discussed before we left and he was in his vehicle --

Q. Okay. After he finished talking, did he walk in front to get to his vehicle, did he walk to the side or did he walk in back or is it fair to say you don't know where he walked?

1 I'm just asking you straightforward
2 answer, if you remember what direction he walked.

3 A. No, I don't remember. It was close to my
4 vehicle. That's all I know.

5 Q. Okay. When you were in the house with
6 Mr. Orvis and you were -- there's some windows in the
7 corner of that house, is that true?

8 A. I know there's a big front window. That's
9 all I remember.

10 Q. Before Mr. Toffler walked up and -- to the
11 front of the house, were you able to see his vehicle
12 from the front window Mr. Orvis was talking about?

13 A. I did not know he was there.

14 Q. Okay.

15 A. It doesn't mean I didn't see it. You were
16 discussing and I was talking with Mr. Orvis.

17 Q. So you didn't know he was on the property.
18 You didn't know Mr. Toffler was on the property,
19 Officer Toffler?

20 A. Not until the front of the front door.

21 Q. When you got to the front door of the
22 property, were you able to see Mr. Toffler's vehicle?

23 When you walked out on the porch, could
24 you see his vehicle or did you just see Mr. Toffler
25 walk up?

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1 A. I don't know. He was right there in the
2 front entrance.

3 Q. Okay. Now, Mr. Limb, is it true now that
4 police officers are now sworn as Zoning Compliance
5 Officers?

6 A. They can be.

7 Q. Okay. When did that start?

8 A. I don't remember.

9 Q. You don't have any idea?

10 A. It's around that time. I don't think it
11 was before. I don't know.

12 Q. So you don't think it was before this, so
13 I would assume that means you believe it was
14 subsequent to this?

15 A. Could I explain one thing?

16 Q. Sure.

17 A. The reason that I understood that they
18 went and swore officers to Zoning Compliance is to be
19 able to use administrative citation; otherwise, it
20 wouldn't have been done.

21 Q. Okay.

22 A. Which is a new one that we started.

23 Q. Okay. And when did you start that?

24 A. About the same time.

25 Q. Okay. Do you believe it was subsequent to

this or before?

A. **I don't remember. I'd have to look.**

Q. Okay. Now, what's your position?

A. **Presently?**

Q. On September 24th?

A. **Zoning Administration.**

Q. What's your present position?

A. **I'm not employed for Pleasant Grove.**

Q. And when did you terminate your employment?

A. **June 30th of this year.**

Q. Okay. All right. And when you -- when you terminated your employment, what was your title?

A. **Zoning Administrator. It included business licenses.**

Q. Okay. So, before the time of this incident until June 30th, you were employed as the Zoning Administrator?

A. **Correct.**

Q. Okay. But you don't recall when you started swearing police officers as Zoning Compliance Officers?

A. **Not exactly, but there is a date, and that you can be found.**

Q. All right. Did -- were you aware of

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Officer Toffler's presence at the meeting that you were having with Mr. Orvis?

A. **Not on that day.**

Q. Did you know that Officer Toffler was going to be there?

A. **Strictly Officer Toffler? No.**

Q. Did you know that an officer was going to be there?

A. **That there was an officer assigned to come.**

Q. Okay.

A. **And I came out without notification of the officer at the time.**

Q. Okay. And why is that?

A. **I went out to inspect a business, a home occupation.**

Q. Well, why did you go without the officer?

A. **I don't know. I usually do that without an officer.**

Q. Okay. And, in fact --

A. **But I have done non-conforming situations with officers, yes.**

Q. But this is the first time that you -- you never did a business inspection, inspection for business license, where it was anticipated an officer

1 would go with you, is that true?

2 A. **I may have done one other that was -- and**
3 **it's Mr. Olsen's -- that there was violation for**
4 **business licenses, and I came out on that, too, with**
5 **an officer, at that time requested officers.**

6 Q. Okay. And when was Mr. Olsen's?

7 A. **I don't remember.**

8 Q. And that involved --

9 A. **Various --**

10 Q. -- too many horses on the property,
11 correct?

12 A. **It involved a lot more than that, and I**
13 **was requested to come out. And it -- actually, it**
14 **ended up with numerous citations instead of a few.**

15 Q. Okay. And a lot different situation than
16 this?

17 A. **Still a violation of a business license.**

18 Q. But a lot different situation than this?

19 A. **Magnitude was different.**

20 Q. Okay. Okay. When did it become your
21 understanding that there was going to be an officer
22 accompany you?

23 A. **There was talk about it before then.**

24 Q. Okay. And what was the reason articulated
25 to you that an officer was going to accompany you?

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1 A. **I don't remember that reason.**

2 Q. Did you request that the officer accompany
3 you?

4 A. **No.**

5 Q. Okay. Now, one of the reasons they say is
6 that: "He is a guy that has a concealed carry permit
7 and has been bringing his weapon into Planning
8 Meetings. Caution should be used, although no threats
9 have been made."

10 Were you aware of that before you went to
11 the home on September 24th?

12 A. **No.**

13 Q. So you didn't know that was one of the
14 stated reasons that they wanted an officer there?

15 A. **No, but I was told that afterwards.**

16 Q. Okay. Were you at all concerned about
17 going to Mr. Orvis' house?

18 A. **Scared to death -- no.**

19 Q. Okay. You weren't threatened --

20 A. **I'm just kidding. I thought I'd just make**
21 **it light a little bit.**

22 Q. Okay. You weren't threatened, you weren't
23 worried about him at all?

24 A. **No, I was -- I've had conversations and**
25 **visits with Mr. Orvis before then --**

uling because then I'm going to go through whatever
hat is, and then I'm going to set a date that you
come back, I'll tell you my decision on both; which
may be, you know, some time after that.

Any questions?

MR. SCHREINER: Can we agree that this is
a case of first and last impression?

MR. PETRO: So September 3rd --

THE COURT: I'm not going to jinx myself.

MR. PETRO: -- and then September 17. And
when is there an actual hearing date set?

THE COURT: No.

MR. PETRO: Okay.

THE COURT: But that's the cut-off date,
October 12th.

MR. PETRO: Okay.

THE COURT: Then you request a ruling, and
when they'll bring the files up to me.

Then I'm going to labor through your
documents.

MR. PETRO: Okay. All right. Thank you.

THE COURT: Okay.

(Hearing adjourned.)

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(December 10, 2004, 8:31 a.m.)

THE COURT: Let's take the Orvis matter at
this juncture.

At this time -- I asked for this
(Inaudible) some time ago. I guess because of your
schedules, this wasn't set. But this is the Court's
ruling:

I'm going to deny the motion to dismiss
and deny the motion to suppress.

I will let the City prepare the findings
on that. I agree with the City.

And so, I guess, you take it from there.

But, as you know, this was a lengthy
matter. I tried to give all the parties a fair
assessment, and so what do you want to do now?

MR. PETRO: So what are you asking the
City to do?

THE COURT: They'll prepare the findings
because I agree with their position.

MR. PETRO: Okay. But how can you just
ask them to prepare the findings?

THE COURT: Well, I find that I agree with
their position.

MR. PETRO: Well, you might agree with

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1 their position, but are you going to agree with every
2 single finding they've recited?

3 THE COURT: Well, they'll submit a
4 proposal. I'll take a look at it.

5 MR. PETRO: Okay. So they are going to
6 submit a proposal, and then we can object to the
7 findings?

8 THE COURT: You can.

9 MR. PETRO: Okay.

10 THE COURT: What I'm saying is basically
11 it comes down to whether -- that he was singled out on
12 your motion to dismiss, and the other I think the case
13 law was in their favor in the motion to suppress.

14 So that's where it stands. The case is
15 still pending.

16 So do you want to set it for trial or
17 whatever?

18 MR. PETRO: No, I think what we'll
19 probably do is maybe do a conditional-plea type thing,
20 I think, is what I told Mr. Schreiner I anticipated on
21 doing.

22 So let us take care of the findings, and
23 then we'll make a decision on that.

24 THE COURT: Yeah, let's do that first.

25 A. Okay.

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1 A VOICE: Do you want to schedule him for
2 a plea?

3 MR. PETRO: Well, let's get the findings
4 done, and then we'll do that.

5 THE COURT: Prepare the findings. As soon
6 as I sign off --

7 A VOICE: Do you want to request a
8 hearing --

9 THE COURT: No, as soon as I sign off on
10 it, I'll just set it for a conditional plea.

11 A VOICE: Okay.

12 MR. SCHREINER: What issues do you want me
13 to prepare findings on, Judge?

14 THE COURT: On the suppression.

15 MR. SCHREINER: On all of them? On the
16 open fields and the (Inaudible) prosecution.

17 THE COURT: Yeah. And also the equal
18 protection argument on the motion to dismiss. There's
19 two. That's why.

20 Send it over to --

21 How soon can you get that?

22 Just a minute, let's wait.

23 MR. SCHREINER: I'll try as soon as I can.

24 THE COURT: Ought to give them time to
25 respond, so....

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MR. PETRO: Okay.
MR. SCHREINER: I'll send it over to
Mr. Petro.
MR. PETRO: Okay. Sounds good.
THE COURT: Okay. Thank you.
MR. SCHREINER: Thanks, Judge.
(Hearing Adjourned.)

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(February 23, 2005, 12:11 p.m.)

THE COURT: It was a two-minute calm,
Mr. Schreiner.
MR. SCHREINER: Well, you are not the only
one, Judge. It's the nature of the beast.
I think, Judge, we just prefer that the
original agreement stand, sign the findings and have
him enter his plea and --
THE COURT: Sign the findings.
And what do you want to do now?
MR. PETRO: Now, you've noted our
objections, correct?
THE COURT: (Inaudible).
MR. PETRO: You, frankly, heard all of the
evidence. I'd just as soon have you make a decision
on guilt or innocence and then take it from there,
sentence Mr. Orvis.
THE COURT: Now, my understanding is that
there's two files. The agreement is he must enter a
guilty plea on one?
MR. PETRO: No, he's not entering a guilty
plea to anything.
THE COURT: What kind of plea is he going
to enter?

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1 MR. SCHREINER: Well, that was the
2 agreement, he would enter a plea --
3 MR. PETRO: He would enter a no-contest
4 plea. Because he's going to appeal it, Your Honor.
5 MR. SCHREINER: Okay. Well, he's entering
6 a plea -- I thought our agreement was that he'd enter
7 a guilty plea to one charge, one count, and the
8 sentence would be consistent to what his sentence was
9 in the Justice Court.
10 MR. PETRO: Okay. But it is not a guilty
11 plea. There was never any talk of a guilty plea
12 because he's always had this civil matter sitting
13 there.
14 MR. SCHREINER: That's my recollection.
15 THE COURT: So then I just have to find
16 for both files?
17 What --
18 A VOICE: They are going to combine it in
19 the end.
20 THE COURT: What -- I've got two files.
21 They are the same -- similar charges, correct?
22 MR. PETRO: Yes.
23 THE COURT: And so I guess there's no
24 agreement, then, so I heard everything, and, you
25 know --

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1 MR. PETRO: Yeah, that's okay with me. I
2 think that's fine.
3 THE COURT: You want a trial?
4 MR. SCHREINER: You want to find him
5 guilty? Is that what you are arguing?
6 THE COURT: That's what he wants me to do.
7 He doesn't want to enter a plea --
8 MR. PETRO: We are not entitled to a -- we
9 are not entitled to a jury trial because --
10 THE COURT: Well, I know that.
11 MR. PETRO: And so you've heard the
12 evidence --
13 THE COURT: I have heard the evidence.
14 MR. PETRO: -- so we would be willing to
15 enter the notice-contest plea to the one count or just
16 have you make a decision on guilt or innocence.
17 MR. SCHREINER: If you want to find him
18 guilty, that's fine with me.
19 THE COURT: Well, if he wants to enter a
20 no contest, I'll take the no contest.
21 Was that part of the agreement?
22 MR. SCHREINER: Like I said, I thought the
23 agreement was that he'd enter a guilty plea --
24 MR. PETRO: -- you know he's appealing it.
25 There's no way that he would do that.

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